

21

A
 D E F E N C E
 O F T H E
 V I N D I C A T I O N
 O F T H E
 Deprived Bishops.

Wherein

The Case of *Abiathar* is particularly considered, and the Invalidity of Lay-Deprivations is further proved, from the Doctrine received under the *Old Testament*, continued in the first Ages of Christianity, and from our own Fundamental Laws.

I N A

REPLY to Dr. Hody and another Author.

To which is Annexed,

The Doctrine of the *Church of England*, concerning the Independency of the Clergy on the Lay-Power, as to those Rights of theirs which are purely Spiritual, reconciled with our Oath of supremacy, and the Lay-Deprivations of the Popish Bishops in the beginning of the Reformation.

By the Author of the Vindication of the Deprived Bishops.

L O N D O N, Printed MDCXCV.

DEED
AND
MORTGAGE

Witnessed by

the County Clerk of the County of

the State of

this day of

18

at

in the County of

State of

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A

DEFENCE

OF THE

VINDICATION

OF THE

Deprived Bishops.

WHAT the *Vindicator* thinks of the *Answers* that have been made to his *Defence of our Deprived Fathers*, himself best knows. For my part, I should not have concerned my self for him, if I had not been over-ru'd by the Judgments of others, for whom I profess a Veneration, rather than my own. I have that due esteem for his *Adversaries*, which their excellent Abilities deserve, particularly for Dr. *Hody*. His diligence in *History* none questions that I know of. I also value his *Skill* and *Judgment* in it, much more than many who are concern'd on his side of the Question here debated. Nor do I deny but several things are very well observed by him in this very Work I am now considering at present; though I think it more *hastily* and *summarily* laid together than several of his other *Writings*. The

§ I.
The Doctor's
late Book, no
Answer to the
Vindication.

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only

only thing that made me think a Reply *needless*, was that in all the *Learning* he has shewn, I could find nothing that I thought any indifferent Person could think proper for satisfying *Conscience* in the single point here in Question, nothing that could give me the least *reason* to doubt of the *Arguments* principally insisted on by the *Vindicator*. For other things not relating to that, I thought our candid *Adversaries* themselves would excuse us when they considered the *Disadvantages* on our side, the *Difficulties* of the *Prefs*, the *Displeasure* of our *pretended Superiors*, much more considerable than any *Argument* that I could find produced either by *him* or any other *Adversary*.

§ II.

The Baroccian
M S, disproved
by the Vindicator,
and not defended
by the Doctor.

So far I am from trusting my own Opinion in this matter, that I would gladly know some *particular* of the *Doctor's Book*, that even our *Adversaries*, who are so clamorous for a *Reply*, think sufficient to excuse their *Schism* against the Charge of the *Vindicator*. His Baroccian M S has already been proved impertinent to our present Dispute. The *Vindicator* has shewn that the *occasion* of his writing did not *oblige* his Author to defend the validity of *Lay-deprivations*; he might have added, that his *Author*, himself was not ignorant, that *Synods* did intervene in several of his *Instances*, which must have made so many of them perfectly impertinent to his design, if that had been to vindicate the *Validity* of *Lay-deprivation*. That is not all: The *Vindicator* has also shewn from the *Canons* subjoyned at the end, and suppressed by the *Doctor*, that the Author *could not* design the Defence of *Lay Deprivations*. Nor has the *Doctor* offered at any thing that might shew such a Design consistent with those *Canons*, or the Author's Subjection to them. Yet those *Canons* alone are decisive to our purpose, both as to the sense of the *Constantinople* Church, and of that *Author* as a Member of it, whether they were part of his *Work* or not; concerning which, the Impartial Reader is to judge whether what the *Doctor* has said, be sufficient to purge his wilful suppressing them. The *Vindicator* has also shewn the Author not only *remoteness* from, but *ignorance* of the times he writes of. Nor has the *Doctor* proved, or pretended any thing to the contrary. Nay, even of the *Facts* enumerated by him, there are but *few* that the *Doctor* has thought fit, on second thoughts, to assert independently on his Authority. It cannot therefore be on this account,

of

of vindicating his *M. S.*; that any Impartial Reader can judge the *Doctor's* performance to be a just *Reply* to the *Vindication*.

But whatever becomes of the so boasted *M. S.*, a *Conscientious* Person, who was only solicitous for *Truth*, not *Victory*, will easily excuse the *Doctor*, if he had at least been pleas'd to clear our *present Case*, relating to the *Lay-deprivation* of our *Holy Fathers*, and the *Schism* that necessarily follow'd upon it. Yet even here I could find nothing that could pass for *Answer*, with an indifferent *Conscientious* Arbitrator. *Facts* without *Rights*, none can think proper for satisfying *Conscience*; yet this is all which is so much as pretended in this Book. The whole Question of the * *Magistrates Rights*, for doing what has been done, is reserved for another Book. And then I thought it seasonable enough to *Reply*, when a Question was debated, that did indeed concern our *Consciences*. So far his Book is from being a just *Answer*, as to the proving what himself asserts. But for that also, we can wait his Leisure, if the *Doctor* had been pleas'd in the mean time, at least, to *weaken* what had been produced for our Cause by the *Vindicator*. We would gladly have been excused from the *Violence* we have offer'd our selves, in *forbearing* their *Communion*, and we should have thought our selves *obliged* to him for it, if he had cleared what was *objected* to the contrary in that very Book which he pretends to *Answer*; if he had shewn, that notwithstanding what is there objected, we might still continue in their *Communion*, with safety to our *Souls*, and consistency to the discharge of a good *Conscience*. What we had to say on this point, was profess'dly insisted on in the *former part* of the *Vindication*. This ought in the *first* place to have been considered by him, if he had regarded our *Consciences*, as that which was necessary to dispose us for considering his other *Proofs* or *Answers*. But in vain we have expected it. He does not so much as pretend to consider that *first Part* in his whole Book. How then can any unprejudiced Judge take the *Doctor's* Book for an *Answer* to the *Vindication*?

§ III.

He has not offered at any Answer to the Arguments against him in the first part of the Vindication.

* Preface to the Reader. The Vindication of the Civil Power, in depriving a Bishop for Political Crimes, I reserve for a particular Treatise

§ IV.

He also grants the Proposition principally disputed between Us concerning the Invalidity of Lay-deprivations, and takes no care to prevent the Consequences of that Confession.

** Pref. to the Reader. I grant at present, that all Lay-deprivations are invalid.*

He also grants the Proposition principally disputed between Us concerning the Invalidity of Lay-deprivations, and takes no care to prevent the Consequences of that Confession.

That is not all: He also grants that which the *Vindicator* designed in that place principally to prove, the * *invalidity of Lay-deprivations*. This concession the *Vindicator* has drawn into its just Consequences, that then the *deprived Bishops* must still be *Bishops*, and *Bishops of the same Jurisdictions*, and retain their *Rights* to their *Subjects Obedience* in their several respective *Jurisdictions*, as much (with regard to *Conscience*) as if such *depriving Sentences* had never been decreed. None can doubt, who knows what *invalidity* imports, but that *invalid* Censures, leave Cases exactly in the same condition as to *Conscience*, in which they find them: That therefore as it would have been *Schismatical* to have set up *Altars* and *Anti-Bishops* in the same *districts* against our *H. Fathers*, in case the *depriving Act* had never passed, on the same account it is so still, in case the *deprivation* proves *invalid*. That, as in that Case, that the *depriving Act* had not passed, communicating with the *Schismatical Altars*, had involved the *Bishops* and *Churches* that had been guilty of it, in the same *Schism* with the *principal* and *original Schismatics*; so also it must, by the same parity of Reason, do so now, *invalid* Sentences not being capable of making a *disparity*. Now what can any one pretend, that has been suggested by the *Doctor* for securing himself against these just *Inferences*, from so unwary a *Concession*? For my part, I can find no place where he does so much as offer, at it. Where then can be his *Answer*, if even himself grants all that we are concerned to assert in the Question principally disputed between us?

§ V.

The Doctor gains nothing by his changing the state of the Question.

† Pref. to the Reader.

This being so, what *advantage* can the *Doctor* propose to himself, by changing the *state* of our present *Question*, from a *Dispute* concerning the *Magistrates* † *Rights* of *Deprivation*, to another concerning the *Lawfulness* of *Submission* in the *Ecclesiastical Subjects*, to the *Invaders* and *Intruders*? I grant indeed, that these Two Questions are not directly the same. But it is abundantly sufficient to the *Vindicators* purpose, if the *disproof* of the *Magistrates Rights*, do by necessary consequence infer the *Unlawfulness* of *Submission* in the *Subjects* to the *Invaders* of *Ecclesiastical Districts*, not otherwise *vacated* than by such *Lay-deprivations*. And this it does by the *inferences* now mentioned. *Invalid* *Deprivations* leave as much right in *Conscience* as they found, and therefore as much obligation to *Duty* in the *Subjects*. The *Subjects* therefore still

still owing *duty*, to the *invalidly Deprived Bishops*, must be guilty of *Sim*, if they *pay* the same *duty* to their Rivals: And for committing *Sim*, the *Doctor* does not, nay, dares not own, even an *Irresistible force* to be sufficient. If he should, I know none of his mind, besides the old *Gnostik* and *Elcsaite* Hereticks. Thus *per* *tinent* it is to *disprove* the *Magistrates Right* of *deprivation*, in order to the *disproving* the *Lawfulness* of *Submission* in the *Ecclesiastical Subjects*, on the pretence of *Irresistible force*.

But the *Doctor* pretends that it was neither the *design* of the Author of his *Baroecian M. S.* in writing it, nor his own in publishing it, to prove the *Right* of the *Lay Magistrate* for *Spiritual Deprivations*. I easily agree with him, that it was not the *design* of the Author of this *M. S.* And I shall as easily excuse him from *designing* it, if it be consistent with the exigency of his *Cause* which engaged him to the *publication*. But can he deny at least, that his *design* in publishing it, was to purge his party from the guilt of the present *Schism*? Can he deny that in order hereunto, his *design* was to prove the *Lawfulness* of *Submission* in the *Subjects* of the deprived *destricks*, to the *Ecclesiastical Intruders*? His own words in these particulars are too manifest to leave him to the liberty of denying them. Let him then try his skill, wether he can from this *M. S.* or from any thing offered in his Book, prove the *Lawfulness* of such *Submission* in the *Ecclesiastical Subjects* on the Supposal now mentioned, of the *Invalidity* of *Lay deprivations*. If he can, he may then indeed, but not till then, call the *disproof* of the *Magistrates Right* for *Spiritual deprivation*, and the consequent proof of the *Invalidity* of such *deprivations*, when attempted *impertinent* to his *design* in publishing his *M. S.* But how will he undertake to do this? Does he think the *Facts* alone, either of his *M. S.* or his *Book*, sufficient for this purpose, supposing them such as he is concerned they should be, instances of *Submission*, upon *Lay*, or otherwise *Invalid deprivations*, to *Usurpers* of the vacated *Thrones*? Dare he stand by the consequence, that a like enumeration of as many *Facts* in as large a distance of the like times, is sufficient to prove the *Practice allowable*, nay, *exemplary*, to succeeding Generations? If he dare not, he must think of some other way of proving them *well done*, than barely this, that they *were done*. This will reduce him, whether he will or no, to the merit of

§ VI.

The Doctor's whole Proof unconvincive, admitting the Invalidity of Lay-deprivations.

of the *cause*. And how is it possible for him to prove *Submission* to the *Usurper* lawful and *unlawful*, till the *Subjects* be first fairly *discharged* from their *duty* to the first *Incumbent*? How can he prove them *discharged* from their first *duty*, if the *Lay deprivation* be not sufficient to *discharge* them? And how can he pretend it *sufficient* for that purpose, if it was from the beginning *null* and *invalid*? Thus he will find the *disproof* of the *Power* of the *Lay-Magistrate* for *Spiritual deprivations* to be more pertinent, than perhaps himself could wish it, for overthrowing his pretended *Lawfulness* of *Submission* in the *Ecclesiastical Subjects* to Persons obtruded on *Seats* no other way *vacated*, than by the *Authority* of a *Lay deprivation* of the *Civil Magistrate*.

§ VII.

The Doctor's
imitations of his
own pretended
self-evident Max-
ims, do all of them
prove our Case
concerned in it.
Chap. 1.

But the *Doctor* pretends to *demonstrate* (no softer word it seems would serve his turn) the *Truth* of his *Proposition*; and God forbid we should not *yield* to *Demonstration*. But I confess, I very rarely find great *solidity* joyned with great *confidence*: However, we must not *prejudge* it, but *examine* whether it will *answer* the *Character* with which he has possessed us concerning it. His *demonstration* therefore he draws First, From the *Reasonableness* of it. Secondly, From the *Authority* and *Practice* of the *Antients*. The *Reasonableness* of it, he grounds on this certain and self-evident-*Maxim*, That whatsoever is necessary for the present *Peace* and *Tranquillity* of the *Church*, that ought to be made use of, provided it is not in it self *sinful*; and the ill *Consequences* which may possibly attend it, are either not *somewhat* to the *Church*, or at least not so likely to happen as the *Evils* we endeavour to avoid. But upon the supposed *Invalidity* of *Lay deprivations* this *Submission* of the *Ecclesiastical Subjects* to the *Usurper* of the *Ecclesiastical Throne*, will not come under the *limitations* proposed by the *Dr.* himself, of his *self evident Maxim*. I have already shewn that, on this supposal, this *Submission* to the *Usurper* will be in it self *sinful*. And the same *Observation* may be applied to his other *limitations*, if the *Case* propos'd be judg'd by our *Principles*. The *Consequences* which we think will follow from this *Obligation* he layson our *Ecclesiastical Superiors*, to yield their *Rights* as often as they are invaded, where nothing but the *Rights* is concerned; and the *liberty* he allows *Ecclesiastical Subjects* to desert their *Superiors*, if they think fit to assert their *Rights*; we think tend, by inevitable *Consequence*, to the perfect *subversion* of the *Church*

as a *Society*. And this Consequence is worse than can be feared from the Persecutions of *irresistible force* (if we can agree, as the *Primitive Christians* did, to keep our stations) or from the *divisions* of them who will not agree to maintain *Society* with us in a state of *Independence* on the *Civil Magistrate*. And *natural Consequences* from *Principles*, are *Evils more likely to hapen*, than any that depend on the *wills of mutable Men*. So that be his *Maxim* never so *self-evident*, yet there is not one of the *Doctor's* own *limitations*, but excludes his *own Case*, as judged by *our Principles* from being concerned in it. This perfectly discharges us from all concern in the *Instances* by which he pretends to prove his *Maxim* received by the *Antients* as *self-evident*. Yet it were easie to answer them, if we were concerned to do so. They are generally in things *indifferent*, and changeable by their different *Circumstances*; and the *Dispensations* were made by Persons in *Authority*, without prejudice to any *Third Persons Rights*. So that not one of his *Instances* reach our *Case*. But the *Subjects* of our *Dispute* are not *mutable*, nor depend on *Circumstances*. As the *Ecclesiastical Society* was designed by *Christ* not *temporary*, but *perpetual*; so the *Essential elements* of it must have been so too. And such are the *Rights of Governours*, and the *Duties of Subjects*. These if they be taken away for a moment, *dissolve* the *Society*, and therefore cannot be left to the *Prudence* of *Governours* for the *time being*, because the very supposal of the *Case*, destroys the very *being* of the *Government* and of the *Society*, and therefore leaves no *Governours* in *being*, that may consider such *Circumstances*, and suit their *Practices* accordingly.

But though the *Doctor* answers nothing produced by the *Vindicator* for proving such *submission* of the *Subjects* to an *Intruder* sinful; yet he pretends to prove it *un sinful*. But so unhappily, that not one of his proofs hold for the purpose for which he has produced them. First, He pretends the *Scripture* silent in our *Case*; and therefore that such *Submission* is not *forbidden* by any *express Law* of *God*. Yet he denies not but that the *Law* of *God* commands us to be *Obedient* to our *Governours*, to them also who are over us in the *Lord*. But where there are two *Competitors*, and both claim our *Obedience*, to which of these two our *Obedience* ought to be paid, this he says, it leaves to our *wisdom* to determine. But will he therefore pre-

§ VIII.

Submission of Subjects to the Ecclesiastical Vindicator is sinful by the Law of God.

1 Thess. v. 12.
1 Tim. XIII. 12.

tend

tend that *disobedience* to any particular Governour in our Age, is not against the *express Law of God*, because no *Law of God* is *express* in determining any particular Person now living to be our Governour? This will overthrow all *Divine Obligations* to any since the *Apostles Age*. Now only in this but in most other duties relating to *Adm.* the determining *Circumstances* are settled by *Human Authority*: Yet none does therefore pretend, but that the *Offence* against the *Duty* so *Circumstantiated*, is against the *Law of God*. The *Law of God* requires *Duty to Parents*. But who are to be taken for our Parents, not only *Nature*, but the *Laws of Men* have determined in several Cases, as in that of *Adoption*, which is *ancient* then *Moses* himself, and in the other of our *Civil* and *Spiritual Parents*, who are generally concluded in that *Divine Commandment*. So in the Case of *Murder*, it is certain, that only *Illegal Killing*, by a Person not authorized, or for an *unjust Cause*, is forbidden in the *6th Commandment*. But they are *Human Laws* which pitch upon the Person who is to be vested with the *Authority of Life and Death*, and which determine the Cases wherein *Death* is to be inflicted. So also in the Case of *Adultery*, it cannot be judged what *Facts* are chargeable with that *Crime*, but by the *Laws of Matrimony*, which depend on the particular *Constitutions* of the *Places*, and are accordingly various. But in no Case this is more evident, than in that of the *8th Commandment*. *Theft* is all that is there forbidden, which cannot be applied to any *Fact*, but by supposing the determination of *Human Laws* concerning *Property*, which are again very various. For some *Persons* have been excluded from all *Property*, as *Slaves*, and *unemancipated Children*. And the determinations of *Property* in Persons capable of it, are so different in different *Places*, that what is *Property* and the violation of it, *Theft* in one Country, is not so in another. Yet what *Casuist* has ever doubted, but that *Disobedience to Parents*, *Murder*, *Adultery* and *Theft*, are still violations of the *Law of God*, notwithstanding that the *Imputation* of these *Crimes* to particular *Facts*, does now generally depend on *Circumstances* determined by *Human Law*? If therefore by our, *Wisdom*, the *Dobler* means the *Wisdom* of the *Subjects* themselves, as if the *Scriptures* had left the determination of these *Circumstances* to that, his Observation is not true. The *Subjects* are to be concluded by the *wisdom* of their *Superiours*; and that upon account of the *Divine Law*, which obliges them to duty to *Superiours* in general,

general, which is to be so expounded, that it may extend to *all* our *Superiors* for the time being, in what time or place soever. This therefore will oblige us to take all the ways of conveying *Power* to particular *Persons* by the constitutions of particular *Societies*, not only for *Human*; but *Divine Establishments*. I am sure *St. Cyprian* looks on all particular *Bishops* in his own time, as appointed by *God* and *Christ*. And in this way it is manifest, that they who are intruded into places vacated by an incompetent *Authority*, cannot be taken for the *Bishops* to whom the *Subjects* Obedience is due by *Divine Law*. This also is as certain from the *Reasonings* and *Principles*, as well as the *Sayings*, of *St. Cyprian*.

The *Dollar* adds Secondly, That *Submission* to the *Usurpers* does not make us *Accomplices* in the *Injustice*. But why, if our duty still be owing to the *Rightful Claimers*, as it must notwithstanding an *invalid* deprivation? The only reason he pretends, is that refusal of *Duty* to the *Usurpers* would only draw *Ruin*; upon the *Clergy* themselves who should refuse it, and cannot restore the *Rightful Owners* whom the state has deposed. Thus this *Divine* takes *Persecution*, and *Deprivation of Revenues*, for *Ruin*; and sufficient to excuse from the *Duty* which may still remain, notwithstanding any thing he has pleased, or can plead, from a *Deprivation* which himself has granted to be *invalid*. I am sure his *Texts* teaches us otherwise, that *Persecutions* incurred for *Duty*, are not *Ruin*, but *gain*, a *Hundred fold* even here, besides the future *Eternal Rewards*. Nor can any one believe otherwise, who believes our *Revealed Religion*. Nothing but *flesh* and *blood*, and a *carual* prospect, can make these things appear as the *Dollar* has represented them. But he says, their refusal of *Obedience* to the *Intruders*, cannot restore the true owners to their *Rightful Possession*. What then? will this therefore excuse them for joyning with the *Usurpers*, for thereby maintaining their unjust *Possession* in opposition to those who have a better *Title*, which *Title* themselves were Obligated to maintain? Can he reconcile this with their old *Duty*, or excuse themselves, for violating that *Duty*, from being *Accomplices* in the *Injustice*? But the Suggestion is not true which he insists on, that the refusal of *Obedience* to the *Intruders*, and paying it to the lawful *Pastors*, would not continue the *Rightful Possessors*. It would not indeed continue them in their *Possession* of their *Secular dues*, or of any thing of which the *State* could deprive them. But it would continue them in a *Possession* of those things for which our *Consciences* are concerned, I mean of *Spiritual*; in such a *Possession* as is consistent with a *Persecution* from the *State*; in such a *Possession* as was enjoyned by

§ IX.

Such Submission would make the Ecclesiastical Subjects Accomplices in the Injustice.

Matth. XIX. 29.
Mark 10. 31.

by their holy *Ancestors* in the *first* and *purest* Ages. This we might continue to them, whether the *State* would or no, if we could find in our hearts to *agree* among our *selves*, as the *Primitive Christians* did, to be *Unanimous* in performing our *Duty* to them. And so far is the prospect of the *Publick good* from obliging us, as the *Doctor* pretends, to the contrary; that that very consideration of the *Publick good*, is that which we *principally* insist on for our purpose. It is certainly for the *Publick good* of the *Spiritual Society*, that the *Rights* of its *Governours*, and the *Duties* of its *Subjects*, should be preserved *inviolable*. And it is for the *Publick good* also, that the *Interest* of *less* valuable *Societies*, should give way to the *Interests* of that *Society* which is *more valuable*. And it is withal, as *certain*, that the *Spiritual*, is the *more valuable Society*. I cannot foresee what part of this *Reasoning* the *Doctor* can question, if he will be true to the *Interests* of *Revealed Religion*.

§X.

The same submission in the Clergy is sinful, on account of the Oaths they have taken to the Rightful Possessors Canonical Obedience.

He proceeds, and says Thirdly, That such compliance with an *Usurping Ecclesiastick Governour*, is not *sinful* on account of the *Oath* of *Canonical Obedience* to the *Lawful Possessor*. And why so? Because the *Bishop* so *deprived*, can no longer govern. But GOD be praised, our *Bishops* can still govern, if their *Clergy* and *Laiety* would obey. And that the *Clergy* will not obey, the *Doctor* ought to shew how it is reconcileable with their *Oaths* of *Obedience*, by some other *Topic* than what he has here insisted on. Our *Bishops* are not *banished*, are not *imprisoned*, are not *confined*, nor any way *disabled* from exercising that *actual Government*, which relates to *Conscience*, and which is *practicable* in a *Persecution*. Yet the *Primitive Christians* did not think their *Bishops disabled* for *Governing*, when they were in *Exile*, as long as they maintained a *correspondence* with their *Clergy*. So *St. Cyprian*, even in his *Exile*, exercised his *Authority*, and was obeyed by his *Cartaginian Clergy*. *St. Asbanasius* was *banished* further into the *West*, which perfectly *disabled* him for keeping up that *Ordinary Correspondence* with his *Alexandrian Clergy* which was requisite for *actual Government*. Yet this was not then thought sufficient, either to give them leave to *join* with any of those who were substituted into his place by *suspected Arian Synods*, as well as by the *Imperial Authority*; or to *set up* any *Person*, without his leave, of as *unsuspected Orthodoxy* as himself. While he was *living*, and might return to a capacity of *governing*, they did not think themselves *discharged* from their *duty* to him, on the *Doctor's* pretence of the *publick good*. I have already also shewn, how that pretence in this Case, makes *against* him, and am not willing to repeat what has been there said. If the *Church's intention* be regarded, as the *Doctor* seems

seems to regard it here, she certainly could never intend that her Government should be robbed of their *Spiritual Right*, and her Subjects discharged from their *Spiritual Subjection*, and her Body thereby dissolved at the pleasure of the sacrilegious encroaching Magistrate. This dependence of the Subjects is so universally the Interest of all Churches and Bishops in general, and indeed of all Societies, as that I know nor any shew of reason the Doctor has, to make it the private intention of the Bishop, in opposition to the publick intention of the Church. It is an invidious Interpretation, and a very false one, which he gives of the Oath, when he makes it in effect the same as if they should swear, That they will for the Bishop's sake, oppose the welfare of the Publick, and break the Union of the Church, and leave the Communion of it, and adhere to the Bishop, though they should have no reason to do so, besides this bare Oath. No need of this. The welfare of the Publick, and the Union of the Church require that in affairs of Publick Spiritual Interest the judgment of the Subject ought to be concluded by the judgment of the Bishop, at least to the practice, which perfectly overthrows the Doctor's Interpretation, and makes it impossible that those considerations should ever really interfere, which the Doctor makes so opposite. And St. Cyprian's Definition of a Church, that it is a *stock united with the Bishop*, makes it impossible that the true Church's Communion can ever be left in adhering to the Bishop. But this perhaps the Doctor will call a Saying of St. Cyprian, and a sort of Theological Pedantry, as he is used to stile other, the like Doctrines and Principals of the Cyprianick and purest Ages, when they are urged to oblige him to any thing that may give him occasion to shew, what he calls, his fortitude. What he pretends with his usual confidence, without the least offer of proof, that particularly here in the Church of England, the Oath of Canonical Obedience is always taken with this supposition, That the Civil Power as well as the Ecclesiastical, do allow the Bishop to govern, we shall then believe, when he shall be pleased to prove it by some stronger Topick than his own Authority. The Oath itself has no such matter expressed in it. And he should have pitched on some expression in it, if there had been any, which (in his opinion) might seem to imply it. Our Civil Laws require that our Ecclesiastical Causes should be determined by Ecclesiastical Judges, which, if they had been observed, had left no room for the Case of Lay deprivations.

Ch. 1. p. 24

p. 31

§ XI.

Our Principles
afford better Rea-
sons why the un-
just deprivations
of Synods may be
received without
the deprivations
Bishops consent,
than those insist-
ed on by the
Doctor.

That a *Synodical* deprivation, though *unjust*, discharges the *Subjects* from the *Obligation* of the *Oath* of *Communal Obedience*, is usually admitted. But not for that *reason* which the *Doctor* has given for it. The *division* which might otherwise follow in the *Church*, and the *publick disturbance* which might follow thereupon, if they were not so discharged, are equally applicable to the *opposite Pretenders*, and could afford the *Subjects* no directions with *whether* of them they ought to *joyn*. The *true reason* ought to decide the *Tide*, and therefore ought to be such as *one* only of the *Rivals* can pretend to. That is, that the *Synod*, however *unjust* in its *way* of proceeding, is notwithstanding to be allowed as a *competent Judge*; and therefore that, on that account, its *Sentences* ought to hold in *Practice*, till repealed by a *higher Authority* of the *same kind*, that is, by a *greater Synod*. But an *incompetent Judge* leaves things in the *same condition* in which it *found* them, and ought not, in *Conscience* or *Equity*, to have an *effect* at all. Nor can it therefore impose on the *Consciences* of the *Subjects* any, the least, *Obligation*, even to *acquiescence*. Nor does it follow, that because the *Bishop's consent* may not be necessary to *oblige* him to *stand* to the *unjust Sentences*, that therefore the *reason* of his obligation to *acquiescence* is not grounded on *Episcopal consent*. The *consent* of his *Predecessors* on the valuable consideration of having the *conveniences* of *Synodical debates*, may conclude him while he enjoys the *same valuable considerations*. And the *consent* of his *Colleagues* may oblige him also, who have the *Right* of *judging* with whom they will observe the *Commerce* of their *Communicatory Letters*. Their *agreement* in *denying* him their *Communicatory Letters*, is, in effect, a *Deprivation*, when what he does is not ratified in the *Catholic Church*. This will go far to hinder his *Communion* from being *Catholic*, which may go far also towards the *absolving* his *Subjects* from *Duty* to him, if by *joyning* with any *other*, they may have the benefit of *Catholic Communion*. But this following the *judgment* of *Episcopal Predecessors*, or of the *Episcopal Colledge*, will by no means, allow the *Subject* that *Liberty* which the *Doctor* disputes for, of *deserting* their *Bishops* on their own *private Judgments* concerning the *publick good*. It will not follow, that *that Necessity* must excuse them, which has no other consideration on which it may be grounded, besides that of an *irresistible force*.

But

But the Doctor (it seems) can see no difference, as to *Acquiescence* in a Case of *Necessity*, between what is done by a competent, and what by an incompetent, Authority. It is strange that a Person so able to judge in other Cases, where *Interest* permits him to judge *impartially*, should not see it. The obvious difference now mentioned is, that the *Deprivation* by an incompetent Authority leaves Subjects under obligation to Duty, from which they are discharged, when the Authority, though acting unjustly, is notwithstanding competent. Thence it plainly follows that, where the obligation to Duty is taken away, there compliance is not sinful. And where it is not sinful, it may be born with in the Case of that *Necessity*, which is the result of an irresistible Force. But where the Obligation to Duty remains, and the compliance is therefore sinful; I know no tolerable Casuistry that allows it upon such *Necessity*. The Doctor himself, as we have seen already, excepts it in his own stating of the Case. Tenants do not usually hold their Tenures by Oaths: But where they do; I am sure all creditable Antiquity thought them under stricter Obligations to performance than (it seems) the Doctor does. The Peace and Tranquillity of the Publick are, no doubt, useful considerations for understanding the sense of Oaths, in which they oblig to performance. But the Doctor might have been pleased to consider that here are two publick, oftentimes incomparable, Interests concerned in the Obligation of Oaths. There is the publick Interest of those to whom, as well as of those by whom, the Faith is given. And all fair and equal dealing Casuists prefer the former before the latter in Oaths given for the Security of others. How then can the Doctor make the good of Sworn Tenants in general to put restrictions on Oaths given for the Security not of the Sworn Tenants, but of the liege Lords in general, for whose Security the Obligations are undertaken? He ought to prove that a Conqueror can deprive a Bishop of his Spiritual Power if he be pleased to reason upon it. That the Church of Jerusalem supplied the place of *Narcissus*, when they thought him dead, does not prove that they had thought themselves at liberty to have done so, if they had known him to have been living. Whatever present incapacity he might have been under for the administration of his Office, they might have thought themselves obliged to Stay for him, as the *Alexandrines* did for *St. Athanasius*. *St. Chrysostomes* Case is less for his purpose. He only desired his People to Submit to the Bishop that should be substituted after his decease. Yet even in that he prevailed not with them, the Schism of the *Joannites* being continued many years after, till an honourable amends was made to his memory. During his own life time he was so far from it that he challenged their

There is great disparity between the Obligations of a competent, and an incompetent, Authority.

See Unity of Priesthood Nec. to Unity of Comm. p. 67. &c.

their duty to himself, and dissuaded their complying with the Schismatics.

§ XIII

Notwithstanding
reckon on the per-
fumed consent of
the Bishops inju-
red by an invalid
deprivation, for
discharging their
Subjects Consci-
ences from Duty
to them.

The Doctor here foresees an answer, that I do not find was ever admitted by the *Vindicator*, and therefore will only concern them on whose Principles it is made. That is, that in such difficult Cases, it is presumed that the deprived Bishop gives his consent, and that this presumption must be reckoned on to discharge the Subjects from their Duty to him with regard to Conscience. It is a most extravagant remissness thus to permit the interpretation of the Oaths to the desires and interests of those who are to be obliged by them, That whenever the observing them puts them upon any Straights, they shall then be at liberty to betray their own Faith, and his Security for whose sake they had undertaken them; and that by so unreasonable a presumption of his consent whose Security was thus provided for. It utterly ruins the whole design of giving this Security by the way of Oaths. That is, to oblige them in such Cases wherein no considerations can oblige them, but those of Conscience; where their corrupt affections should incline them to the contrary, and where there is no visible force appearing that may make the inconveniences of breaking their Faith greater than those of keeping it. That is, perfectly to disoblige them in that very Case wherein the Psalmist does most commend the Observation of Oaths, That is, when they are to the hindrance of those who must observe them: Nor does it follow that because the consent of an injured Governor may indeed be presumed in Acts of Government, for a time, which do not by any consequence affect his Title; therefore it may be presumed also in Acts wherein his consent would be inconsistent with his design of continuing his Claim, when he neither has, nor intends to relinquish it. Nor does it follow that, because in some Cases, wherein publick considerations may prevail with them, good men may patiently submit to the prejudices of their own Rights; therefore they cannot be good men, who do not submit in Cases, wherein the same considerations of the Publick (of which they only have a Right to judge who have a Right to Authority) do, in their Judgments, make the insisting of their Rights more necessary and becoming them. If Rights must always be surrendered by good men as often as ill men are pleased to invade them; In vain are Laws for determining or defending them. In vain at least must good men (who ought to be the favourites of wife and just Lawmakers) expect the benefit of Laws; if they must never plead their Rights. In vain are good men trusted with such Rights as are the Publick Interests of their Societies, if they, who are other-
wise

wife the more *trusty* for being good, must here, upon that same consideration of their being good men, be obnoxious to those impressions of *Conscience* which must make them think themselves *obliged* to betray them; if that very consideration that the *publick* and their own *private Interests* are *coincident*, must make them as *prodigal* of the *publick Interests* as they would be of their own. Nor has the Doctor, nor any other that I know of, insisted on any considerations particular to our present Case, but only on such *general* ones, as (if they proved any thing) would prove in *general*, that all good men are *obliged* to surrender their *Rights* whenever *Wicked men* are pleased to *invade* them.

Upon these terms the Doctor is pleased to tell us, that he is *fully persuaded* that our *ejected Fathers* are *very worthy and good men*. But not without a manifest *design*. They must, if they will maintain the place he has admitted them to in his good opinion, be true to that Idea of *good men* by which he is resolved to try them; *give up* those *Rights* whose *maintenance* may oblige him and his Brethren to any *temporal loss*. And is not this a very obliging reason to induce them to it, that they must give up the *trust* committed to them of the *publick Interests* of God and of Religion, rather than he and his Brethren should hazard their *Temporal* and *private Interests* in *maintaining* those *Rights*, by contributing no more on their own parts than what is otherwise their *duty* to them? They must have a great stock indeed of that which he is pleased to call *goodness*, if this way of Reasoning can make them think themselves *obliged* to him. Much more, if, upon this *pretence* of kindness, he may be allowed to *beg*, what he can never be able to *prove*, that they are *obliged* in *Conscience* rather to *surrender* their *Rights*, than that he and his *obliged Brethren* should be *obliged* to any hazard in *maintaining* them. This one would think too much for him to *presume* till he were better able to prove it. But the greater *ease* of *presuming*, than *proving*, makes him very bold indeed, when he *presumes* that our *H. Fathers* themselves give their *consent* that their *Successors* should be *acknowledged*. Yet he pretends *reason* why we ought to *presume* it. And what may that be? That they have never by any *publick Signification* of their will, *joy'd* claim to the *Obedience* of their *People*; and do not now exercise their *Episcopal power* as before. But truly *Conscientious* Observers of *Oaths* would rather *presume* on the *Oaths* side than against it, least otherwise if God should help them no otherwise than they perform what they have *Sworn* by him, the *form* of the *Oath* it self should prove a dreadful imprecation

§ XIV.

Our deprived Fathers give publick Significations that they do challenge their old Rights, as far as is necessary in their Circumstances.

ration. This was, I am sure, regarded in the Cases of *Edward the II.* and *Richard the II.* The Subjects did not content themselves with a *presumed consent* to what was done in deposing them, gathered only from their *silence*; but they desired and procured an *express renunciation* of their *Rights*, and an *express relinquishment* from the *Barbs* which they had taken to them formerly. This reason therefore alone would hinder such Persons from undertaking *second inconsistent engagements*, that they had not yet been *expressly discharged* from the *first*. So far they would be from reckoning on their *silence* alone as sufficient to *discharge* them. For there are besides, especially in such Circumstances as ours, obvious reasons why *silence* only should not be taken for an Argument of a *presumed consent*. The fear of *those* under whose *violence* they suffer may hinder them from *publick Signification* of their *dissent*, and yet (it seems) nothing under a *publick Signification* will satisfy the *Doctor*. If this fear should less influence so *worthy* and *good Men*, yet the fear of *miscarrying* might, in *Prudence*, discourage them from *attempting* what they might easily foresee that they should never be able to go thorough with. And how could our *H. Fathers* hope to *succeed* under so manifest and general a *desertion* of those who *owe Duty* to them, and *know* they do so? But it is not very *Human* in our *Adversaries* by their notorious *undisfulness* to *oblige* our *Fathers* to this *silence*, and then *ironically* to turn their *silence* into an Argument of a *presumed consent*. In the mean time these considerations make it plain that it is very possible for them to *continue* their *Claim*, though they should give no *publick Significations* of doing so. And their *continuing* it, though without any *publick Signification*, is Sufficient to our *obligation* with regard to *Conscience*, till they give a *publick Signification* that they will *discharge* us. For that is sufficient to *continue* their old notorious *Claim* they had to our *Duty* before the *pretended deprivation*. I know no other Case wherein our *Adversaries* were concerned, in which they would think it *just* to *presume* that Persons living under a notorious *force* do therefore *surrender* their *Rights*, because they do not further provoke their *Oppressors* by an open *Signification* of their *Claim*. But if nothing less than a *publick Signification* of their *Claim* will content the *Doctor*, methinks he should have acquainted us what *Acts* they are of *Episcopal Power* which he expects from our *H. Fathers* as *publick Significations* of it. Does he expect that they must signify their minds herein *Juridically*, as they did formerly, from their *Courts* and their *Cathedrals*? But he knows these are in the *Power* of those who have pretended to *deprive* them. He knows their *Officers* and *Subordinate Governours* will not now *obey* them. Must they

they publicly warn those who are in possession of their *Cures* and *Parishes*? But how can they expect more *Duty* from them who follow the *revenues* into the *Schism*, and who are in *actual Communion* with, and under the pretended *Obligation* of *Oaths* of *Canonical Obedience* to, their *Rival Schismatics*? What could they expect from such a publication of their *dissent*, (besides their gratifying the *Doctor*) but to expose their own *Authority*, without any prospect of *publick benefit* that might countervail it? What but a fruitless exasperation of their *Persecutors*? Would he have them fix publick *Protestations* against what has been done, in publick places? But the worthy *Dean of Worcester's Case* is a notorious Instance how such a publication would be refuted. I hope he will not own any design of urging them to such difficulties only to gratify him, if he has really that veneration for them which he *Professes* to have. By all the *Episcopal Acts* that are necessary, and of which their *Circumstances* are capable, they do already publicly signify their *insisting* on their *old Title*. I know no *Episcopal Acts*, necessary for our present condition, but what they readily exercise as they see occasion for them. They exercise them in *Dioceses* not otherwise vacated than by the *Schism*, without the *Ordinaries leave*, and to Persons not owning the *Ordinaries Communion*, which also our *H. Fathers* themselves abstain from. These are publick Significations that they do *disown* the *state communion* as *Schismatical* (not only as using *unlawful Offices*) which cannot be justified on any other terms but their *challenging* their *old Rights*, and *condemning* their *Schismatical Rivals*.

So unreasonable are the gratifications expected by the *Doctor* from their *Lordships*, whereas, all things considered, there is no reason why he should expect any gratification at all. For if they will not discharge him from his *Duty*, he is however resolved not to pay them any. For he puts the *Case* of a *Bishop* forbidding his *People*, on their *Oaths*, to accept of any other *Bishop*, and then asks, what must be done in such *Cases*? Is the *Church* perjured if she accept of another? will our *Adversaries* say that she is? He knows our mind very well that we know not how to excuse her. And what has he to prove the contrary? Nothing but the voice of *flesh and blood*; *A hard saying! who can bear it?* But this learned *divine* knows very well that the *hardness* of a saying (especially if it be only so to *flesh and blood*) is no Argument to prove it false. He knows it was not so in that very passage whence he borrows the Expressions. He knows it is not so in all *Cases* of *Persecution*, and of *Doctrines* that may deserve to be maintained by *suffering*. And he urges nothing peculiar in our present *Case*. But he cannot imagine

§ XV.

The Oaths of canonical Obedience to our Fathers still obliging.

that the welfare and prosperity of mankind does depend upon so ticklish and uncertain a point as that of an ejected Governors consent. That, if he refuses to give his Consent, all the Church, or the Nation, must be made a Sacrifice to him. So he represents the Case very Invidiously. As if the Competition were between the private Interests of the Government and the Good of the Community. He therefore fancies that the false Principles on which this Nation is built is this, That the Oath that is taken to the Governour, is taken only for his sake. But though that Principle which he calls false be really in the Constitution of some particular Governments, and therefore is not universally false; yet neither, on the contrary, is it universally true. Particularly, it is not true in the Case of the Ecclesiastical Government. This Government is not a Property of the Governours, but a Trust committed to their management for the Good of others, rather than of themselves. Yet though this be the Case, it is the publick Interest of the whole Society, that all the Members of it be unanimous in defending the particular Persons in whom the Government is vested, against a forcible Dispossession. It is the publick Interest, that no Rights whatsoever be overpower'd, because if they be, no Rights whatsoever neither private nor publick, can be secure; but may be also overpower'd by the same Precedent. It is yet more particularly the Publick Interest, that those Rights be secured against all force, upon which the Security of all the Particular Rights of the whole Society depend. Such are those of the Supreme Governours who if they be not enabled to defend themselves, can never be able to protect either the whole Body, or any particular Members of it, in Possession of the Rights to which they were Intitled by the Constitution. Upon this account it has been accounted the Interest of Societies in general, that they be unanimous in defending it. For this will make the Government better able to defend it self, and protect its Subjects in their Rights, if it have the united assistance of the whole Society, not subdivided into several little Interests. It has also been thought the publick Interest of Societies rather to be concluded by their Governours, as to their Practice, in their Judgment concerning the publick good, than to be permitted to embroyl their whole Bodies by forming subdivided Factions and intestine animosities, which is the natural consequence of being allowed the use of their private Judgements, even concerning the publick good in a Society already constituted. Thus the Doctor may see how even the regard of the publick good may oblige him to hazard all that he calls *Ruin*, in asserting the Rights of Supreme Governours, by reasons antedecut to the Oath it self, and independent on his pretended false Principle, that Oaths are taken only for the sake of Governours. These

Reasons proceed, though the Government of the Churches had been like many Humane Governments, founded on Humane Institution, and the agreeing consent of its respective Members. But the reason of *hazarding* all for the Rights of our Ecclesiastical Superiors holds more strongly. For God himself has so constituted his own Church, as to oblige us, in regard of all Interests, to the strict dependence on our Ecclesiastical Governours. As Schism is the greatest mischief that can befall any Society; so a Society, such as the Church is, that must subsist over all the World, independent on the Secular arm, nay under Persecution from it, must be in the greatest danger of Schism. And God has accordingly most wisely contrived his Spiritual Society so as to secure it from that danger, by making it the greatest Interest of the Church in general, and of all its Members considered severally, to adhere to their Spiritual Monarch. It is certainly their greatest Interest to keep their Mystical Communion with God the head of Christ, and with Christ the head of his Mystical Body the Church. But this, God has made no otherwise attainable but by maintaining a Communion with his visible Body by visible Sacraments, obliging himself to ratify in Heaven what is transacted by the visible Governours of the Church on Earth. Thus he admits to his Mystical Union those who are admitted by the visible Governours of his Church into his visible Body, and excludes from the Mystical Union those who are by the Church Governours excluded from the Union that is visible. So the Apostle St. John reasons that whosoever would have *eternall* Communion with the Father and the Son, must not expect it otherwise than by the Communion with that visible Body of which the Apostle himself was a Member 1 St. John. I. 3. So our Saviour himself makes the despising of those who are Authorized by him to be the despising of himself, and not only so, but of him also who sent him. And in St. John. XVII. he makes his Mystical Union to be of Christians among themselves as well as with himself and the Father. And upon this depended the dreadfulness of Excommunication, and indeed all obligation to Discipline, and the Penances imposed by it in the Primitive Church. But there was none in the visible constitution of the Church that represented God and Christ under the Notion of a Head but the Bishop. And therefore he was taken for the principle of Unity, without Union to whom there could be no pretensions to Union with God and Christ. This was the Doctrine of St. Cyprians Age, and not his only, but of that of Ignatius and not only of Ignatius, but of that which was Apostolical, grounded on the Notions then received among the Jews concerning their Union with the *Arx*, as the Archetypal High Priest, by their Union with the High Priest who was visible. How then can

the Doctor make any *Interests* either *publick* or *private*, separable from those of *adhering* to our *Bishops*, and thereby avoiding *Schism* by discountenancing *Usurpers* of their lawful *Thrones*?

§ XVI.

The compliance with Usurpers is also therefore sinful, because Usurping Bishops are really no Bishops at all.

The Doctor now proceeds in the 4th and last place, to shew that this compliance with the new Intruders is not *sinful* on account of the Objection insisted on by the *Vindicator*, that the *Usurpers* are in reality no *Bishops* at all. This matter were indeed very easy if all the *Vindicator* had produced for his purpose had been only a *saying* of St. *Cyprian*, and a *saying* nothing to his purpose. He might then indeed wonder that the *Vindicator* should pretend to raise so great a structure on so weak a foundation. But considering what the *Vindicator* had said to prove the *saying* true, one might rather wonder at the Doctors confidence in slighting and overlooking what one would therefore think him conscious that his Cause would not afford an Answer to. The *Vindicator* had proved it more than a *saying*, that it was the *Sense*, not only of St. *Cyprian*, but of all the *Bishops* of that *Age*, who all of them denied their *Communicatory Letters* to such an Intruder into a *Throne* not validly vacated, thereby implying, that they did not own him of their *Episcopal Colledge*, and therefore took him for no *Bishop* at all. The *Vindicator* shewed withal that it was agreeable to the *Principles* and *Traditions* of that *Age*, derived by *Tradition* from the *Apostles*, and therefore that they had reason to say and think so too. The *Vindicator* farther proved it independently on their *saying* or *thoughts* (however otherwise creditable in an affair of this kind) from the nature of the thing it self, that where there could be but one of a kind, and two Pretenders could not therefore be both genuine, the validity of one Title is to be gathered from the invalidity of the other. But to what purpose is it to produce proofs if the Doctor will take no notice of them? But *Cornelius* (with relation to whose Case St. *Cyprian* uses this Expression, that the *late Bishop* is not *second*, but *none*) the Doctor says, had never been deposed, but was still the possessor, which he takes for a disparity from our deprived Fathers Case. He was deposed as much as it lay in the Power of the *Pagan Emperor* to do so. He was set up, not only as the *Christian Bishops* then generally were, without his consent, but notoriously against it. He was as much grieved at it as if a *Rival* had been set up against him for the *Empire*. And he had kept the See vacant for a considerable time after the *Martyrdom* of *Fabianus*, doing all that he could do to hinder the *Clergy* from meeting in such a way as was requisite for supplying the vacancy. Let the Doctor himself judge what *Decius* could have done more for deposing him. However

P.

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ever the Doctor tells us that *Cornelius* was the *Possessor*. Very true. But not in regard of any *Possession* of which the *Emperour* could deprive him. And indeed in no higher sense than ours are, as shall appear hereafter. *Cornelius* was possessed of no more *Temporals* of which the *State* could deprive him. And our *H. Fathers* are still, notwithstanding the *involved deprivation*, in as firm and indisputable a *Possession* with regard to *Conscience*, as *Cornelius*. So unhappy the *Doctor* is in proving the *Doctrine*, which he calls the *Saying* of *St. Cyprian*, nothing to the *Vindicators* purpose. What the *Doctor* adds that he cannot believe so great and wise a *Man* as *St. Cyprian* could have been of another opinion from himself, we are not much concerned for till he shall be pleased to produce some better *Arguments* why he should not be so. One would think he wanted better *Arguments* when he insists upon the fairness of the *Elections* of the *Usurpers* for legitimating their *Call*. He knows very well the *liberty* our *Laws* allow the *Canonical Electors*, that they must choose the *Person* proposed, or a *Premunire*. But he must never expect to be restored to the *Rights* of his function if he, and such as he, will not only betray their own *Rights*, but plead for their *Adversaries* *Invasion* of them. The *Doctor* Enthymeme the *Vindicator* will then be concerned to take notice of when the *Doctor* can shew it in his *Book*. But the *Doctor* thinks he has got an *Argument* to prove that an *unjust Synod* can deprive no more than an *incompetent Authority*. And why? Because a *Synod* proceeding *unjustly* cannot deprive of the *Rights*. For to him, he says, it is absurd that any *unjust sentence* should take away the *Rights*. Hence he iners that a *Bishop* substituted in the place of another *unjustly* deprived by a *Synod*, must also be no *Bishop*, if a *Bishop* substituted into a place vacated by a *Lay deprivation* be also none. This would indeed hold if a *Bishop* deprived *wrongfully* by a *competent Authority* retained as much *Right* as he who had been deprived no otherwise than by an *Authority* that were *incompetent*. But the *Doctor*, methinks, might easily have discerned the difference if he would have been pleased to Judge *impartially*. All the *Rights* that he has who is deprived *unjustly*, is only a *Right* to a *juster sentence*, either by an *Appeal* to a *Superior Authority*, if the *Authority* which has deprived him be *subordinate*; or in the *Conscience* of that same *Authority* which had deprived him, if it be it self *Supreme*. But till the *competent Authority* put him into *Possession*, he has no *Right* to the consequences of *Possession*, the duties of the *Subjects*, and the actual benefits of his *Office*. Nor has he any *Right* to Possess himself of the place by *violence*, but must use *Legal means* of recovering what is already his due in *Conscience*. This he knows

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is the sense of our *Legal Courts* concerning *Sentences* pronounced by *competent*, though *corrupt*, Judges. But where the *dispossession* is by a *Judge* not *competent*, the *injured Person* may make use of *force* for regaining his *Possession*, and in the mean time he retains an *actual Right* to all the *duties* and *benefits* of his *Office* during his *dispossession*. Thus our *Laws* would allow the *Doctor*, if the *King of France*, or any other *force* not seconded with a *Legal Right* to use that *force*, should *dispossess* him of his *Fellowship* of *Wadham Colledge*, and substitute a *Successor* into his *Place*. Our *Laws* would notwithstanding own him as the true *Fellow*, Entitled to all the *Duties* and *Priviledges* of the *Fellowship*, and would not allow his *Rival* as a *Fellow*, nor *indemnify* any that should pay him the *Dues* belonging to the *Place*, nor allow him the *Plea* of a *forcible entry*, if the *Doctor* should recover his *Possession* by *force*. But none of these things would be allowed him, if himself had been *rejected*, and his *Rival* substituted by the *unjust Sentence* of a *corrupt Judge*, but in a *Legal Court*. Thus he may see a better *Reason* than what is given by him for our *Submission* to an *unjust Deprivation* of a *Synod*. The *actual Right* of the *Bishop*, so *deprived* to the *Duty* of his *Ecclesiastick Subjects*, and the *Priviledges* of his *Place*, are really *taken from* him, till he be again *possessed* by the *Acts* of those who are *empowered* by the *Laws* of the *Society* to give *Possession*. And all the *Right* he has, is only in the *Conscience* of those who are *empowered* by the *Laws* for it, first to be *put into the possession*, and then to all the other *Benefits* and *Priviledges* annexed by the *Law* to be *Legal Possession*. This is very consistent with a *paying the Rights consequent to Possession*, to another, till the *Possession* be *Legally* restored. But even the *Legal Possession* by the *Laws* of the *Church*, and with regard to *Conscience*, cannot be *affected* by an *invalid deprivation* of an *incompetent Judge*.

§ XVII.
The Evil of
Sin, and Scandal
in complying,
greater than that
of Persecution
which is avoided
by it.

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Having thus, as well as he could, proved this *compliance* with the *Surper's* *unjust*, the *Doctor* now proceeds to the other limitations of his *self evident Maxim*. He therefore endeavours to prove that the *Evils* following upon *disowning* the *Intruders* are *greater* and *more like to fall out* than those which are likely to follow upon *complying* with them. I have already *proved* the contrary. What now remains, is only to answer what he produces to prove his own *Assertion*. The *Evils* they pretend to avoid by *complying*, are a *SCHISM* and a *PERSECUTION*. These he says are *two Evils as great as can possibly befall the Church*. I easily agree with him concerning the *former*, that it is an *Evil* of the *first Magnitude*. But the *latter* was never counted so by truly *Christian* Spi-

Spirits in the flourishing times of our Religion, Then Martyrdoms were courted with as much ardency and ambition as Preferments have been since, as Sulpitius Severus has long since observed. Then the Apologists tell their Persecutors that it was rather for their sakes than their own that they vouchsafed to write Apologies. Then they always gave thanks when they received the sentence of death for so glorious a Cause. Then they bemoaned the unhappiness of their own times if they had no Persecutions, as Origen expressly: Then nothing troubled them more than that they lost their lives cheaply upon their beds, as appears in St. Cyprian de Mortalitate. The Doctor is no doubt well acquainted with Ignatius's Epistle to the Romans, full of an ardent zeal of losing his Life for Christ, and earnest expostulations with the Romans that they might not so much as use their interest with God in Prayers for his deliverance, telling them that he would take it for an Argument of their good will to him if they would not be so desirous of saving his flesh, and of their ill will if they should prevail with God for his safety, even by an interposition of an extraordinary and miraculous Providence. And when Blondel takes upon him to judge of the Heroical ardor of that Age by the cold and degenerate Notions of his own; our most learned Bishop Pearson has proved his Actions far from being singular by many more very express Testimonies of those most glorious times of our Christian Religion. Nor are the Canons against the provoking Persecutors, which the Doctor takes notice of, near so old as these great examples of desiring and meeting Persecution, nor indeed till the abatement of the first zeal appeared in the scandalous lapses of warm pretenders. None such were made whilst they were true to their profession, so that the consenting Practice of the best times was far from the Doctor's mind in reckoning Persecution among the greatest Evils that can possibly befall the Church. They did not take it for an evil, but rather for a favour and a benefit. And though it were allowed to be an evil, yet the utmost that can be made of it is that it is an evil only of Calamity, the greatest of which kind Conscientious Casuists have never thought comparable with the least evil of Sin. I might add also, that Scandal also, as it is a cause of Sin, is a greater Evil than Persecution. Our Saviour himself pronounces woe to him by whom the Scandal cometh, and the Fire of Hell which never shall be quenched. And these are Evils which the Doctor himself must own to be worse than that of Persecution. The Doctor therefore must not insist on the Persecution avoided by this compliance with the Intruders, till he has cleared the condition of avoiding it, from not only Sin, but Scandal also. If he thinks deposing all Bishops in general, to be in earnest a just cause for him to shew his fortitude, let him bethink himself how the matter is now in Scotland. It were easie by just

Sulp. Sever.
Sacr. Hist. L. II.

Orig. in Num.
Hom. X.

Pearson, vind.
Ign. Part II. c. 9.

just consequences from the Grounds and Principles of Ecclesiastical Commerce, to shew how that Case would concern him in England, if it were convenient. If *Christ* were equally to be enjoyed in the Communion of the true Bishops and their Schismatical Rivals, we should be as willing as he to keep off the Evil day as long as we could. Flesh and Blood would easily persuade us to it, if it were safe. But he knows very well, that the Catholic Church in the purest Ages, never believed our modern Latitudinarian Fancies, that Schismatics have any Union with *Christ*, whilst they are divided from his Mystical Body the Church. If this were true, or if he thought it himself true; I do not understand how he could reckon Schism among the greatest Evils that can befall the Church, if even Schismatics may enjoy *Christ*, though they be in open Hostility with his Authorized Representative.

§. XVIII.

The Evil of Schism not avoided, but incurred, by complying with the Usurpers.

As for the Case of Schism which he pretends to be avoided by them by their compliance with the Usurpers, this Evil is so far from being avoided, as that it has been occasioned by it. The Doctor cannot deny but that their communicating with the Intruders, has occasioned a notorious breach of Communion, which on one side or the other, must needs be Schismatical. All therefore that he can pretend, is, that they, by complying, are not chargeable with the crime of the Schism that has been occasion'd by it. How so? it is because if we had also done as they have done, there had been no Schism. Very true. But it had been full as true, if they had done as we have done. This pretence therefore leaves the Criminalness of the breach as uncertain as before, and necessarily puts them (for tryal of that) on the merit of the Cause. And if that be enquired into, all the Presumptions, as well as the particular Proofs, are in favour of us, and against them. We were plainly one before this breach. As therefore the breach it self is new, so the guilt of it must be resolved into the Innovations that occasion'd it, which will, by unavoidable consequence, make them chargeable with the breach who were guilty of the Innovations. The Innovations that have caused the breach, are the disowning our old Bishops, and substituting others in their Places, whilst themselves are living, and continue their Claims, and are not deprived by any Authority that had really a Power to deprive them. But in these instances, they, not we, have been the Aggressors and Innovators. Do we own the Old Bishops for the true Bishops of these Sees, of which they have pretended to deprive them? And did not they do so too, as well as we, before the Deprivation? And what had they to pretend for themselves, why they do not so still. Besides this very Sentence of Deprivation, which the Doctor owns to

to be *invalid*? And how can they *justify* their *disowning* them upon a Sentence confessedly *invalid*? This *new* behaviour of theirs, they must wholly own, as it is *new*, to be their own. We only continue to own our Holy Fathers, as Dr. Hady himself and his Brethren did formerly. As for the Second Act, the setting up *new* Bishops in opposition to our Fathers, they cannot excuse themselves from being the *innovators*, and concerning us, they cannot pretend it. They have made the *new* Bishops who consecrated them, and they also who own them by communicating with them, or their Consecrators. These have intirely been the Acts of the Ecclesiasticks. Yet without these, all that the Lay-Power could have done, could never have formed a Schism, nor divided our Communion. And as to what has been done on both sides, we can better excuse our selves, than they can. Could they and we have consented to have acted *Uniformly*, there could have been no Schism: But we can better account for our not complying with them, than they can for not complying with us. On their side, they have nothing to plead but *worldly* Considerations. They could not doubt of the *Lawfulness* with regard to conscience, of doing that on their side, which, if done, had prevented the Schism. They can pretend no obligation in Conscience, for setting up other Bishops, as we can, for not owning them; till they can prove us fairly discharged in Conscience, which they, as well as we, were obliged in, in regard of the old true Proprietors. They could pretend no cementing Principles essential to the subsistence of the Church, as a Society, and a Communion independent on the State, obliging them to comply with these encroachments of the Politicians, for making *Spiritual* considerations to give way to *Temporals*. They could pretend no *Catholic Authority* of the Church, in any Age, approving what was done by them, as we can of the best and purest Ages, for what has been done by Us. They could not pretend any such united Authority, of even the Church of England, before this change, for many things wherein we differ now, as we can. So far they have been from avoiding Schism by these compliances, or from purging themselves from the guilt of the Schism which has followed thereupon.

One Inconvenience the Doctor himself foresees, which he seems to own as justly chargeable on their Principle: That by a submission to the Possessor, the Civil Governour is like to be encouraged, to tyrannize over the Church, and to turn out such Bishops as he does not like, whensoever he pleases, though never so unjustly. This must necessarily be the Consequence of defending such Practices in such a way as the Doctor has done, not by considerations particular to the present Case, but by such Topicks as the Doctor

§ XXI.

The abuses that may follow on Compliance, are a just reason to refuse it, where it is not otherwise, in Conscience, due

has insisted on, which (if they prove any thing) proceed in general: that is, prove *Bishops obliged in general, to yield their Rights as often as they are invaded, and Subjects as generally absolved from their Duty to such Bishops* though the Bishop should think fit to assert their Rights. Both of these are asserted by him on account of the *irresistibleness* of the force which brings on the violence, which is an Argument that must always hold on the side of the State, in all Disputes that she has with the Church. These things asserted by *Ecclesiasticks*, such as the Doctor is, must for ever encourage the Laity, who are not acted by great skill, as well as good inclinations to Religion, to believe they do well in what they do of this kind, and therefore to repeat it without any scruple. But how does the Doctor pretend to avoid this Consequence? He first pretends that the same Inconvenience is in all manner of Government. Particularly, that a Synod may also be encouraged to unjust Sentences by our acknowledging an Obligation to submit to such Sentences, if passed Synodically. But we are far from making *Abuses* Arguments for denying just Rights: Nor does our Cause require it. We are only for denying Obedience to an incompetent Authority, that invades Rights which do not belong to it. And for this it is certainly a very just reason for denying them what they have no Right to, if yielding will encourage them to the like Injuries and Usurpations frequently, which it must needs do, if they must never expect opposition, how frequently soever they are pleased to renew the Injuries; nay, if Persons concerned against them, shall encourage them in the belief that they are no Injuries at all. However if the Injustice had been equal in the encroachments of incompetent Judges and Synods; yet the danger is not. In Synods nothing can be transacted but by a majority of the Episcopal Order. So the Episcopacy it self is secured by a majority of Suffrages against any mischief that can be acted against it Synodically. But in a Lay Judiciary, the whole Authority may combine against them, and (God knows) is too likely to do so in these days of Irreligion, when their Revenues are more regarded than their Function. This Authority therefore is not to be trusted to dearest Friends, who are in any disposition to be otherwise. Much less to those who are under present jealousies and disaffections to their whole Order.

§ XX.
No security
here that com-
pliance will not
be abused.

The Doctor adds Secondly, that here in England it is not the will of the Prince that can turn out a Bishop. And that King and Parliament may by compliance be encouraged to depose Bishops at pleasure, that Supposition, he says, is wild and extravagant. As if he had never heard of a Parliament, even in England, that did not only deprive Bishops at pleasure, but

but *Episcopacy* it self. As if he knew not that Men of the same principles are notwithstanding qualified to serve in our Parliaments. As if he were perfectly ignorant of the Case of Scotland, where notwithstanding the interest the Bishop have by the Fundamentals of the Government, as one of the Three States in which the Legislative Power is seated; Yet not Bishops only, but *Episcopacy* has been extirpated, as far as the Votes of the Laity can contribute to the extirpation of it. There the Doctor may see, what he says he cannot imagine, that what he calls King and Parliament can concur for the deprivation, not of a Bishop only, but of *Episcopacy*. And we have little security that it shall not be put in Practice, if we must by Principles, as he does, allow them to do it here, upon an occasion that they shall judge Extraordinary. That Extraordinary occasion is not very difficult to be found by them, who make Spiritual considerations give way to Temporal. The use of the Cathedral Revenues for carrying on the present expensive War, is likely enough to be judged so. And the Psalmist, who was himself a King, has warned us not to put confidence in Princes. The Doctor indeed tells us, that the Bishops here have the same Security that other Subjects have. I am sure they ought to have it, not only for the reason of the things, but by our Constitution. Their Rights ought to be accounted more sacred than any other Rights or Liberties of the Subjects and therefore more inviolable. All the Sacredness that has been made use of by our Legislators for securing them, has been derived from the interposition of the Clergy, who, if they be not treated as sacred themselves, can never secure other Rights which have no other sacredness than what they derive from the intervention of the Clergy. But if he considers how little Laws often signify considering those who are allowed the Authority of Authentically Interpreting and Executing them, and what Principles are now allowed in those who are thought qualified for that Authentical Interpretation and Execution; I know no sort of Subject that he could pitch on that either have been, or are likely to be, treated so arbitrarily by our Legislators. The Laity in Henry the VIIIth time, dissolved whole Bodies of the Clergy, and alienated their revenues, without any consent of those Bodies, or of any Authorized to represent them, without any Legal trial or eviction in any form of Law. When has any such thing been ever attempted against any Lay Bodies by their Representatives in Parliament, who were chosen to preserve, not to oppress, the Liberties of those who chose them. The other States have presumed to eject the Spiritual State, who as a State, have as sacred a Right in the Fundamental Constitution of the Legislative Power as themselves. And the Commons have turned that President a-

gainst the *Temporal Lords*. What if the *Lords Spiritual* and *Temporal* should turn it upon the *Commons* also? Could they think this agreeable to the design of the *Constitution*? The *Law* certainly never intended such *violences* between those who are equally *fundamental* to the *Legislative Power*, and who have no *Legal Judges* or *Tribunals* appointed by the *Law* for determining differences between them by way of *Judicial process* and *Authority*. Thus the *Doffor* may plainly see, that in the *Opinion* of those who *justify* these proceedings, and who are therefore likely to plead them as *Precedents*, *Clergy-men* have not the same *Securities* that othe *Subjects* have, if Persons so *Principled*, make a *Majority* in our *Legislative Assemblies*. I say no more at present for making *Application*, how probable it is for such *Principles* to gain acceptance with the *majority*. I should be as willing as any to *presume* better things, if I could see *reason* to believe them. But our best security is certainly to assert *Principles* that may not put it in the power of any to ruin our *Spiritual Society*, and to be true to them. He adds, *There is nothing more manifest than that this Inconvenience is not so likely to happen as those Evils we endeavour to avoid.* Why so? *These*, he says, *are certain and present, That only possible.* If they be certain and present how can they pretend that, by their compliance, they have avoided them? If they have not avoided them by complying; how can they pretend that the benefits of their compliance can have made amends for all the further injuries they may expose the Church to for the future, by suffering such ill practices to pass into *Precedents* for want of a timely opposition? Methinks he should have made the avoidance of the feared evils certain and present, not the Evils themselves, if he would have spoken consequently to the exigence of his Case. But it is too true, that the Evils themselves are present, and that their Compliance has not avoided them: The Schism is so notoriously. And so is the Persecution also to all that will be true to their old Principles, and to their old Communion. For, what favour has been shewn on condition of deserting old Principles, can by no fair Interpretation be extended to that Church, whose Principles they were. So far as they hold firm to their old Principles, they are still liable to the Persecution; and so far as they desert them, so far they also cease to be of the Church, whose Principles they have deserted. Few Persecutions have been so severe, but that they might have been avoided by desertion. But the further Inconvenience likely to follow on this compliance, is more than possible. It is as probable as most events are that depend on *Humane Wills*. It is a natural Consequence, and a Consequence likely to be drawn by Persons so Principled; and there are but too many that are so, and too tempting

tempting occasions to put them in mind of, and to engage them on, such Inferences.

Yet 3ly, should this Inconvenience follow; the Doctor thinks himself provided against it. *Though the Government should be so very dissolute as to turn out frequently the Bishops of the Church without any just Cause; yet who (says he) can look upon that mischief to be comparable to that of a Schism and a Persecution?* If he could find in his heart to be as much concerned for a more noble Society, when it can intitle him to nothing but sufferings, as he is for a less noble one, that can give him revenues; I cannot think he could be so indifferent for bearing frequent Injuries by invalid Deprivations of its Governours, which cannot discharge Subjects from their Duty in Conscience to those which are so deprived. He would be sensible, how this would tend to the dissolving such a Society that must have its Governours removable at the pleasure of a hostile Society, whensoever but pleased to invade Rights not belonging to it, without any remedy or relief by insisting on their own Rights, which the Doctors Principles make unpracticable. And what Schisms or Persecutions can be worse to a Society than dissolution? He would be sensible, there is now a Schism and a Persecution. That our late common Body is now divided, that his late Brethren upon Principles of Conscience are now Persecuted; if he could not otherwise believe, he would feel, if he had the compassion of a living Member: If he had the Zeal of the Apostle, when he used that passionate Expression, *Who is offended, and I burn not?* If he had any sense of the afflictions of Joseph. He would be sensible of the many future Schisms that must follow upon the frequency of these Encroachments, upon his own loose Principles, that neither allow Bishops to assert their own just Rights, nor oblige Subjects to stand by them when they do so, as long as there shall be any Bishops that shall think themselves obliged to assert them, and Subjects that think their doing so will not discharge themselves from Duty to them; that is, as long as there are any that are true to the cementing Principles of the Church as it is a Society and a Communion. He would be sensible, that upon such Brethren as these, such frequent encroachments would draw frequent Persecutions. So far his Principles and Practices are from securing our common Body from Schisms and Persecutions. But it seems he has forgot all concern for his old Brethren upon the surest most uniting Principles of Brotherhood; nay for our common Body, and of the terms upon which it was common to us formerly. If he had not, he would not think our Common Body so unconcern'd in our Divisions, and our Persecutions. But what, says the Doctor, can the suffering of a few

§ XXI.

That abuse is a greater mischief than that it can be made amends for by the Doctors Expedients.

particular men's, when compared with the Peace and Tranquillity of the whole Church besides? Not so much undoubtedly, if the few had been Men of singular Opinions, of no consequence for the good of the whole; if they had not been such as all ought to have been, if they would cement into a Body by any solid uniting Principles. The suffering of such, how few soever, would have involved the whole Church, if all its Members had been such as they should have been. It is therefore the unhappiness of a Church that such Members are but few. So far it is from being a Consideration to be boasted of that the Majority avoids sufferings by doing otherwise than becomes them. If the Doctors regard to Multitude alone had been true; then whenever there was an Apostacy, the Church would be, by so much, the more happy, by how much, the more had been engaged in the Apostacy. These Multitudes would call themselves the Church as confidently as the Doctor and his Party do now, and would as little regard the sufferings of a few particular Men as our late Brethren do. I am sure the ancient Catholics did not so little regard the sufferings of a few particular Men, in a common Cause. In the Eastern Empire there were very few that incurred the displeasure of Constantius besides Athanasius and Paulus. In the West no more than five Bishops are reckoned that suffered for their constancy. The rest might have pretended generally to as much Peace and Tranquillity as our Adversaries do now. Yet he was not then taken for a true Catholic, who was as unconcerned as the Doctor is, for the few particular Men that suffered. Nor do I see but that the Cause of Episcopal Authority, and Ecclesiastical Subjection, is of as great and common importance to the Church in general as any one Article of the Faith can be. This the Vindicator has proved, nor has the Doctor vouchsafed any Answer to what he has produced for it. Indeed the whole Expedient insisted on by the Doctor seems very strange to me, that he should think to secure the Church from Schism by allowing Subjects to desert their Ecclesiastical Superiours on pretence of irresistible force, and by by renouncing all Principles that may oblige Ecclesiastical Subjects to adhere to their Ecclesiastical Governours, whensoever the State shall be pleased to refuse to protect them, and thereby renouncing all Principles that may oblige them in Conscience to continue a Society independent on the State. These Principles and Practices leave them at liberty to form and maintain as many Schisms as they please, when the Decrees of the Church are not seconded by the Civil Power. How then can the maintaining so licentious Principles be taken for an Expedient for preventing Schism? The Doctor withal would have us consider, That it was not for the Bishops that

the Church was established; but the Bishops were appointed for the sake of the Church. Hence he concludes, that it is not the welfare of the Bishops as the Bishops are these or those Men, much less of some few particular Bishops but the welfare of the whole Church in general that is chiefly to be regarded. This is a pretence for all Rebellions and Innovations whatsoever, to make the Persons invested with Authority, to be regarded only as private Persons, whose Interests are different from those of the Publick, which the Innovators pretend to promote by removing their private Persons, and substituting others in their stead. Nor indeed need any Rebel desire any more. Let the Head of the Rebellion be the particular Person, and the controversy is soon determined. He will pretend no quarrel with the Publick, but only whether he or the present Possessor shall be the particular Person that is to be intrusted with the Publick; and to be sure, will pretend it to be for the Publick Interest, that of the two, himself should rather be the Man, if for no other reasons, at least for those of the Doctor, viz. Irresistible force, and the Peace and Tranquillity of the whole, which he is otherwise resolved to disturb. And the same pretence is applicable to any other form of Government as well as that which is Monarchical. The Administration of it cannot be managed but by some few chosen out of the whole Body, and then those few are only so many particular Persons, against whom the Publick Good may still be pretended, if others may judge of it. But this is so general a Principle of Rebellions and intestine discords, that all well constituted Societies have used all means they could think of, to secure themselves against it. How private soever the Interest might seem to particular Persons to have the Government committed to them, or to be invested in a Right to it, yet when once they were possessed, or had a Right, the Publick has thought it self concerned to oppose, and to provide against, a violent dispossession, and has allowed no pretences of Publick Good, where the dispossession could not be compassed by any other means than by force. Hence these very severe Laws against any thing that might look like force to the Persons of Governours, especially those that were Supreme, Hence their Arts of making their Persons Sacred, to secure them from those violences against which the force even of the Community it self was not able to Secure them. What need of all this care, if they had thought it fit still to have regarded them only as particular Persons? The Book of Judith, when it would express how the Nations despised King Nabuchodonosor, does it thus: *He was before them as one Man* Jud. I. 11. What difference is there between this language, and that of the Doctor? The same Societies, have also taken security that no pre-

ence of public good should ever be made use of against the Persons of Governours, by allowing none others for Judges of the public good besides the Persons invested with the Government, and allowing them so to Judge as to conclude all Private Persons. And there was reason why Societies should be so concerned against violent removals of their Governours, because they cannot be violently removed without violence to the whole Societies which are obliged to defend them. If therefore they do their duties, the whole Societies must suffer violence, and be overpowered in the removal, which must consequently subject them to the arbitrary pleasure of the forcible Usurper. And to take the Doctors way is yet worse, to desert their Governours. This perfectly dissolves the Government and disables the Governour to do any thing of his Duty to the Publick. Thus it appears how destructive it is to his whole Cause to own the deprivations of our H. Fathers invalid. Where then can be his Answer, if even himself grants all that we are concerned to assert in the Question principally disputed between us?

§ XXII.

The main design of the Doctors new Book in arguing from Facts already overturned by the Vindicator, yet no notice taken of what was there said.

But far be it from me that I should oblige him to any unwary Concessions, if at the same time he has produced any thing solid in his Book to prove them unwary. I am therefore willing to consider the main design of his Book, if I can even there find any thing that can deserve the name of an Answer, that is, That is not either acknowledged to be insufficient by himself, or that had not before been prevented by his Adversary. And what is, upon these accounts, made unserviceable, cannot certainly, in the sense of any just Judge, be taken for a solid and satisfactory Answer. The main design of his Answer to the Vindication is still to carry on the Argument by him imputed to his Baroccian M. S. to prove by an enumeration of Facts (which the Doctor will needs have pass for Precedents) that Deprivations by the Lay-Power have been Submitted to, and the Intruders own'd by the Subjects of the Dioceses out of which the Lawful Possessors had been Un canonically ejected. Now this being nothing but the old Argument, I cannot, for my part, see any reason the Doctor can pretend, why the old Answer of the former part of the Vindication may not still be insisted on as sufficient, till at least, he offer at something to the contrary, which he has not as yet so much as attempted. The Vindicator has there shewn the Unconclusiveness of that whole Topick from naked Facts, without something more particularly insisted on for proving them Justifiable by true and defensible Principles. Especially in those lower Ages in which the Author of the Baroccian M. S. deals, and to which the Doctors new Examples are reducible, the Vindicator has shewn, that nothing

nothing is to be presumed to be *well* done, which has no other Evidence of its being so than that it was actually practiced in those degenerate *Ages*. And what has the *Doctor* attempted to the contrary? Nothing, but that he has added some *New Facts* to those enumerated by his *Barroccian* Author, and that he has endeavoured to *defend* some of the *old Facts* that they were *such* as he pretended them. But neither of these things can pass for *Answers*, whilst that *Part* of the *Vindication* remains *unanswer'd*. For how can he secure his *New Facts* when *all* of their kind have been prov'd *unconclusive*? And to what purpose does he endeavour to prove those *few*, he has meddled with, of his *Authors Facts*, to have been for his *purpose*, when the *former Part* of the *Vindication* has already evidenced that tho' they were so, that would not be sufficient for carrying his *Cause*?

So far he has been from *Answering*, that himself *confirms* the *Vindicator's* sence upon this Argument. • He professes beforehand his *own* unwillingness to be *concluded* by *such* Instances as *himself* has produced, though they should appear to be against him. Why so, if there had been any *reason* that he should have been *concluded* by them? Why so, if he did not thereby *own* that the *Reasons* given by the *Vindicator* against the *Argumentativeness* of such *Facts* were *Solid* and *concluding*? And how then can he find in his heart to insist *principally* in his following *Book* on that very kind of *Facts*, which he has acknowledged so *unsafe* to be relyed on in his *Preface*? He cannot pretend to argue *ad Hominem*, when the *Vindicator* had so expressly enter'd his *Exceptions* against that *whole Argument*. He cannot do it in his *own Person*, when he professes *himself* unwilling to stand by the *consequences* of it. And how can he have the confidence to obtrude that upon *Us*, which he does not believe *himself*? In what sense can he take this whole reasoning for *Argumentative* when it does not proceed *ex concessis*; when it proceeds on *one Premiss*, at least, not granted by either of the Parties concern'd in the *Dispute*, neither by *Us*, nor even by himself? How can he possibly mistake a *Book*, which proceeds *principally* on such *Reasoning* as this, for a *Solid* and *satisfying Answer*.

Thus it appears that the *Principal Answer* of the *Vindicator* to the *Doctors Book* remains still in its full strength *untouched* and *unconcerned* in all the *Doctor* has said in his *new Book*. What is it therefore that he can pretend to have *Answer'd* in

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§ XXIII.

The Doctor himself is unwilling to stand by the Consequences of such like Facts as himself produces.

• *Preface to the Reader*: Should our Adversaries be able to produce such an Example (as I think they will never be able) 'twill advantage their Cause but little, especially if it be one of the LATER AGES, since it is not agreeable to the Practice of the Church in GENERAL.

§ XXIV.

The Doctors remark against the Reasoning of the First Parts of the Vindication concerning the Possession of Cornelius turned against himself.

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it? What is it that either makes his *Book* need, or his *Brethren* so clamorous for, a *Reply*? Has he *Answer'd* the *Vindicators* Argument for *Us*, from *Facts* more *justifiable*, more agreeable to *Principles*, and to *Principles* more *certain* and *indisputable* in the times of greatest *Ecclesiastical Authority*, in the *earliest*, and *purest*, and *unanimous* Ages? On this he has bestowed *one* single *Paragraph*, in which he has offered nothing that can affect the principal *Lines* of the *Vindicators Reasoning* and *Hypothesis*. * All that he pretends is to observe *one* single *disparity* between the *Case* of the *Primitive Christian Bishops* and *OURS*. Yet so unhappily, that even that *disparity*, upon a closer examination is likely to prove *none* at all. He tells *Us* that *Cornelius* was in *Possession* when *Novatian* was set up against him. Very true. But how can he deny that our *Fathers* were in as true a *Possession*, with regard to *Conscience*, when their *Rivals Usurp'd* their *Thrones*, as *Cornelius* was? He can pretend no *Possession* of which our *Fathers* were *deprived* but such as depended on the pleasure of the *pretended* *Secular Magistrate*. The *Secular Act* could not pretend to *deprive* them of any thing but what was *Secular*, their *Baronies*, their *Revenues*, the *Privileges* annex to their *Function* by the favour of the *Secular Powers*. And can he pretend that *Cornelius* was *possessed* of any thing of which the *Magistrate* could *deprive* him? As for *Spiritual Rights*, I cannot see the least *disparity* but that *O U R Fathers* were as properly *possessed* of them as *H E* was; as properly as any can be in a *State* of *Persecution* and *independence* on the *Civil Magistrate*. *O U R Bishops* were *Consecrated* and *Installed* with all the *Solemnities* requisite for a *complete Possession*, before the contrary *encroachments* were thought of. That *Possession* was *acknowledged* and *ratified* by all the *Acts* of *intercourse* and *Spiritual Correspondence*, by which any *Spiritual possession* can be *acknowledged* by our *Natinal Church* of *England*. This *Possession* of *Spirituals* has not been touched by any *Spiritual Authority*, that can be *pretended* a proper *Judge* of *Spirituals*, that might *discontinue* this *Possession* as to *Spirituals*, and with regard to *Conscience*. All this *OUR H. Fathers* can truly plead, for their *Possession* as to *Spirituals*, at the time of the *Schismatical Consecrations*. And what can the *Doctor* say more for the *Possession* of *Cornelius* against *Novatian*? His *Diocese* and *Jurisdiction* as to *Spirituals*, were manifestly not own'd by *Cornelius* for favours of the *Magistrate*. This being so, we need not depend on a *SAYING* (the *Vindicator* prov'd it independently on *St. Cyprian's* saying it) that *SECOND BISHOPS* are *NO BISHOPS* for proving his *Intruders* to be *NONE*. The *Doctor* himself confesses, that a *Second*, that is, a *Schismatical Bishop*, an *Intruder*

P. C. 1. § 9
P. 2. 10.

C. 1. P. 10.

struder into a See already filled and possessed, is no Bishop, is confessed to be St. Cyprian's Doctrine. And this has now appeared to be their Case for whom he is here concerned.

Besides; these great neglects and omissions of the Doctor were so separable from an accurate management of the Cause and so peculiar to his Person, that I knew not how to secure my Answer from meddling with his Person, with whom I had no mind to deal in any other way than that of Civility and Respect. In reference to the Principal Argument relating to Conscience, he has brought so little New, as would hardly afford Subject for a useful Answer. Yet the showing that he did so, which was requisite to be done, if an Answer were made at all, methought looked like a design of exposing his Person, which I was willing to be excused from. I have always liked those Defences best, which had the least mixture of Personal considerations, not only as more Christian, but also as more useful to those who are disengaged. This made me think it more advisable to wait till either the Doctor himself, or some other able Author would be pleas'd to attack the principal strength of the Vindication.

§ XXV.

The Doctor's Book offered no Subject for a Reply, but what would be Personal.

But the principal discouragement of all from Answering was, that the Doctor seemed to me to draw the whole management of this Cause from a shorter and decisive, to a tedious and unconvulsive, Issue. The Doctor's Talent lies in History, and therefore he is willing to bring this Question also to an Argument that may give him an occasion to shew his skill in History. Had not this been his Case, why could he not be prevailed on, to say something to the reason of the thing? Especially having in the Title of his Book, promised a stating of the Question. But where he pretends to have performed his Promise, I cannot guess. I can find nothing in his Book, but what concerns bare matter of Fact. Had he offered at any stating of the Question, why would he not at least take notice of the distinction of Facts observed by the Vindicator, of the Facts excepted against, and the Facts allowed by him, for Argumentative? Had he not allowed the Distinction, at least he ought not to have produced more Facts of the Exceptionable kind, till he had either answer'd the Vindicator's Exceptions against them, or at least produced stronger Arguments of his own, to prove his own Facts also Argumentative. If he did not think fit, either to Answer the Vindicator's Reasons, or to produce his own, why did he not confine himself to the Practice of the first Ages proceeding on Principles than received by the whole Catholick Church, and Fundamental to all the Discipline then practis'd?

§ XXVI.

The Doctor's turning the Dispute to late Facts draws it from a short and decisive, to a tedious and litigious, Issue.

Had he done so, the *Vindicator* professing himself ready to joyn issue with him on *those* Terms, had been indeed obliged to *Answer* him. But how can he expect an *Answer*, when the *Vindicator's* *Exceptions* against the *wild* kind of *Facts* he deals in, remain, I do not say *unanswer'd* only, but, not so much as *attempted* by him.

§ XXVII.

We have no reason to suffer our selves to be overruled by him in these Arts of diverting Us.

What himself *designed* in so unreasonable ways of proceeding, I will not pretend my self so privy to his *thoughts*, as to be able to determine. But it is easie to observe the *interest* of his *Cause* in it. It shews indeed a greater variety of his *Reading*, than if he had confined himself to the *Precedents* of more *decisive* times. But withal, it obliges *Us*, if we follow him in all his *Instances*, to write *larger Books* than we can ever hope to get *printed* in the *Difficulties* of the *Press* on *our side*. We cannot hope to satisfy him, by answering some of his *Instances*, if we do not *all*. And why must we be obliged to follow a way of his *prescribing*, which we cannot hope to go through, when we can reduce the whole *Dispute* to *narrower*, and yet more *conclusive bounds*? He gives us small encouragement to gratify him in this *Case*, when he tells us that he will not be *concluded* by what we can say upon it, though we should prove the *Practices* of these *later Ages*, from which he will not be restrained, otherwise than he pretends it was. And why must we take so much pains to no purpose? Why should he desire it of us, if his *design* had been to satisfy *Conscience*, either his *own*, or *ours*?

See above,
§ XXIII.

§ XXVIII.

We decline this Topick of Facts, rather because it is undecisive than because we shrink it disadvantageous to Us.

Considering the *difficulties* of our *Case*, how hard it is even to get small *Discourses printed*, it concerns *Us* to endeavor all prudent *Arts* of contracting the *Question* into as *narrow* a compass as we can, and by no means to suffer our selves to be distracted to *impertinent Arguments*, till what we have to say on *pertinent* ones be *first* satisfied. This will be sufficient, perhaps more than so, to fill up what can be allowed, whilst the *Intruders* have the power of the *Press*. We shall not envy the *Doctor* the pleasure of seeing his *Challenges* and *Gambles* refus'd, if he will not be pleas'd to confine them to more *useful Subjects*. He has already seen a *Specimen* of what might have been answer'd to all the *Facts* he has or can produce, in what the *Vindicator* has said to the *Facts* insisted on in his *Baroccian M.S.* The *Ages* he deals in, were very degenerate from the *Piety* and *Skill* of their *Primitive Ancestors*, to whose judgments we appeal. Yet I do not think any of them so far debased, as that they either did, or would have insisted on the *Doctor's Plea*, that *Lay Deprivations* were sufficient to discharge

discharge them from their Duty to their Spiritual Superiors. He that is so forward to make Challenges, would do well to shew us one single Instance wherein this Doctrine was directly defended, I do not say by the Ecclesiasticks only, whom I take for the most competent Judges of Ecclesiastical Doctrines, but even by the Parasites of the Lay Power. For my part, I remember not one single one. The Emperors themselves who acted so precipitantly as to deprive without Synods, did however after use their uttermost endeavours to get a Synodical ratification of what they had done before by violence and indirect artifices. So far even they were sensible how little what they did of that kind, would be regarded in relation to Conscience. This is sufficient to let the Doctor see that our declining this Topick, is not for want of sufficient advantage against him in it, if the Press had been as free for Us, as it is for him; but because it is impertinent and unsatisfactory.

This I thought sufficient to shew how little the *Vindicator* is obliged to return any Reply to the Doctor's pretended Answer, till the Doctor can be prevailed on to try his skill on the former and principal part of the *Vindication*. But this is so particular to the Doctor's Personal management of the Cause, that I could not think this alone worthy the Reader's trouble in perusal of it, without some other Subject of more importance to the Cause itself. This therefore made me think of selecting something of the Doctor's Book, which (though it cannot be taken for an Answer to the *Vindication*, which had said nothing concerning it) yet might give an occasion for clearing a particular Prejudice against us, insisted on by many more besides him, abstracting from the Principal Topick of his Book concerning Facts in general. Of his kind, I take the Case to be of Solomon's deposing Abiathar, which may, even on the Doctor's account, deserve a more particular consideration, because he seems to have taken the greatest pains, in amassing the several Hypotheses relating to it, of any one particular in his Book. Here they find a High Priest * removed from his Office by Solomon, and another, that is Zadok, † put in his room, yet without the least scruple concerning the Validity and Acceptableness of Zadok's Ministry, with relation to God and Conscience. This they think exactly parallel to our present Case.

But First, This Fact is barely related in the Scripture, without any Censure on it, whether it was well, or ill done. And it is not indeed condemned, so neither is it excused or justified from any Right asserted in Solomon to do it. Yet the whole force of Reasoning from it as a Precedent,

§ XXX.

For want of
some other Subject
relating to the
Vindication, we
here pitch on the
Case of Abiathar.

* 1 Kings II. 1.
† 2. 35.

§ XXX.

This Fact is not
condemned in the
Scripture as a
Precedent.

cedent, must suppose it *well* done, for which they have not the least intimation in the *Holy Writers*. The whole Enquiry, whether it was *well*, or *ill* done, must therefore be derived from *other Reasonings* from the *sense* of that *Age*, by which it may appear whether *Solomon* had any *Right* in *Offices* of the *Priest-hood*, by which he might be enabled to *grant*, or *bind*, the *Practice* of it, so as to oblige *God* to ratify what he did concerning it. And for this it is much more certain.

§ XXXI.

The Magistrate could not by the Doctrine of that Age, have any direct Power over the Priesthood.

* 1 Sam. XIII. 12.

† 2 Sam. VII.

6, 7.

* 2 Kings XV. 5.

2 Chron. XXVII.

16. 19. 21.

+ Num. XVI.

* Num. XVII.

9, 10.

† Num. XVI.

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2dly, That the *Magistrate* had no *direct* Power of intermeddling in the *Offices* of the *Priest-hood*, according to the *sense* of the *Sacred Writers*. This appears not only from *Facts* much more *Argumentative* than this is, but also from *Principals* professedly asserted in those times. The *Facts* are, *Saul's* being deprived of his Kingdom, for *presuming* to *sacrifice* in the *Absence* of *Samuel*, though he pretended a *force* that obliged him to do so. Then also the *Fact* relating to *Uzzab*, † who was *struck dead* upon the *Place*, for *presuming* out of good will, to *stay the Ark*, in *danger* (as he thought) of being *overturn'd*, only because he was not one of the *Priests* by *Office*, who were alone allowed by *GOD* even to *touch* it. A Third is that of King *Uzzab*, * who likewise, for *presuming* to *Sacrifice*, was punished by *GOD* with *Leprosy*, (which in those times was taken for a *disgrace*), and plainly supposed as such in all the *Discipline* of *Moses* relating to it) and by being so, removed from the *Administration* of the *Government*, of which he was thereby rendered *incapable*. Here are *Facts* attested by the same *Authority* as the other of *Abiathar* was; but not so *nakedly* related. The *Facts* themselves discover not only the *sense* of the *Writers*, but of *GOD* himself. His interposing his own *Authority* in the *Cases*, shews plainly that those *Facts* were highly *displeasing* to him, and *piacular*; than which, what can be *more* decisive for our purpose? Nay *GOD* took particular care, through that whole dispensation, to assert the *Rights* of the *Priest-hood*, as immediately depending on *himself*, more than he did, even for the *Magistracy*. In the † *Rebellion* of *Corah*, *Dathan*, and *Abiram*, he asserted the *Priest-hood*, not only against the *Reubenites*, but the *Levites* also. And * *Aaron's Rod* that *blossomed*, was laid up for a *Monument* against such *Mutiniers* for all succeeding *Generations*. Plainly to exclude the whole *Body* of the *Laity*, from ever more *presuming* to pretend to it, † that no *Stranger* that was not of the *seed* of *Aaron*, come near to offer *Incense* before the *LORD*; that he be not as *Corah*, and as his *Company*. So the *Holy Writer* expressly. And that even *Kings* were not excepted, appeared manifestly in the *Examples* now mentioned of *Saul* and *Uzzab*.

And.

And before the Institution of *Kings*, the Cause was carried against the whole Body of the People, in the Cases of *Corah* and *Aaron's Rod*. Nay to cut off all pretensions of the Priest hood being virtually at least, and eminently included in the *Regal Office*, the Holy Writers do still suppose the Priest hood to be the Nobler Office of the Two. As it advanced the Dignity of the Peculiar People that GOD had separated them to himself from all other Nations, so in the same way of Reasoning, it is a preference of the Tribe of *Levi* above all other Tribes, that GOD had separated them from the Congregation of *Israel*. Accordingly, when the Right of Primogeniture was taken from *Reuben*, and divided between *Levi* and *Judab*; the Priest hood, as the principal part of it, was given to the Elder Brother of the Two. And as it advanced the whole Nation of the *Israelites* above all the Nations of the Earth that GOD himself, the Supreme infinitely perfect Being, was their Portion, and the Lot of their Inheritance; and that indeed it was the *Segullab* or *Peculium* in contradistinction to all other Nations; so when the same GOD is pleased to stile himself the *Levites* portion, that very Appellative imports their Excellency above all the other Tribes out of which the Kings were chosen, and makes them a *Peculium* in contradistinction to the other *Peculium*, which had no other Title to that stile, but what was common to the whole Nation in general.

Numb. XVI. 9

Nor can this be thought strange, if we consider the Opinions than generally receiv'd concerning the Benefits then expected from their Priest-hood, far greater than could be pretended to by the Civil Magistrate. This was indisputable, when its benefits were believ'd to extend to the Future Life as well as this, as it was generally believed by the Jews of the Apostolical Age (excepting only the Sect of the Sadducees,) and as we Christians are assured of it now in the times of the Gospel. Whether those Rewards were by GOD expressly Covenant'd for, or only as a Divine gratuity reserved for the Peculium as his Favourites, more than could be expected from the Letter of the Covenant; or whether they were implicitly understood, as included in the Mystical sense of the Covenant it self, as either discovered by the Mystical Reasonings, or the Oral Traditions of their Ancestors, is not perhaps so easy to determine. Yet certain it is, that they were actually and generally believed by the Jews of the Apostolical Age. This appears in that it is noted as a singularity in the Sadducees to deny them; Thence it appears, that the Three other Sects of the Pharisees, Essens, and Galileans, were all agreed against the Sadducees in asserting them. And how inconsiderable the Interest of the Sadducees was then, appears in the

§. XXXII.

The Benefits of the Priest-hood out of the Power, and far greater than any in the Power, of the Civil Magistrate.

XXIII. 6. the *Apostle's* taking Sanctuary in the *single Self* of the *Pharisees* alone for securing himself against them. Now all the Challenge of the *Benefit* proper to the *Peculium*, depended on the *Right* they had to partake in the publick *Sacrifices*, and the *Covenant* transacted in them. *God's Promises* were his part of that *Covenant*, and the *Covenant* is expressly said to have been by *Sacrifice*, *Plal. L. 5.* that being the Ordinary way used in those times of transacting *Covenants* between *Man-kind* also. As therefore it was in the *Power* of the *Priest-hood*, to which the *Right* of *Sacrificing* was then confined, to admit to, or exclude from, the participation of the *Sacrifice*, so it must consequently have been in the power of that *Sacred Function*, to grant or deny, these *Benefits*, which were not attainable otherwise than by those *Sacrifices*. But these are *Benefits* manifestly beyond the *Power* of the *Magistrate*, and manifestly greater than any to which his *Power* does extend. The *Magistrate* can confer no Title to *Future* and *Eternal Rewards* to Persons otherwise never so well qualified for receiving them. He cannot oblige the *Alty* to ratify in *Heaven*, what is transacted by him on *Earth*, as the *Higb Priest* could, who was (in the sense of those times) taken for his Authorized *Representative*. *GOD*, at his first permission of *Kings*, neither suppressed the *Priest hood*, nor united it in the Person of the *King*: And therefore there can be no pretence that what was not otherwise in his *Power*, was put in his *Power* thence forward by any particular provision or gift of *GOD*. How then could he pretend to that *Power*? How could he give or take away a *Power* from others, to which himself could not pretend? How could he suppose his *Alt* would be ratified in *Heaven*? Or how imagine *GOD* obliged by it, to reject the *Priest* whom he as *Prince* was pleased to reject, and accept of others who were permitted only by his *Authority* to officiate at *GOD's Altar*? And what could all his intermeddling in these matters signify, if he cannot oblige *God* to ratify what is done by him? if notwithstanding *GOD* should accept of the Person rejected by him, and reject the Person obtruded by the *Civil Magistrate*? Nothing certainly, with regard to *Conscience*, which is the principal consideration in this Case.

§ XXXIII.

The ancient Jews of the *Apostle's Age* did believe their *Priest hood* available to a future and eternal state.

I cannot for my Life, conceive how our *Adversaries* can avoid the force of this Argument, if the *Benefits* procured by the *Sacerdotal Office* were thought *Spiritual*, and principally relating to a future and eternal state; things perfectly out of the *Power* of the *Magistrate*, and incomparably exceeds whatsoever is within it. And that this was the sense of that Age, I need not insist on the *Article* of our own

Church

Words; † Priest-hood is the properest reward of a Pious Man, who professes himself to serve the Father, whose service is better, not only than Liberty, but also than a KINGDOM. Nor was this a singular Opinion of Philo. Josephus also is of the same mind. The Scripture it self owns the Power of Moses to have been Regal, when it calls him a * King in Jeshurun; when it says, that the † Voice of a King was among the Israelites, there being no other besides

Moses who could pretend to it. And his Right was as absolute, and as free from any Judiciary then established, that could call him to an Account, as any of the Kings themselves. This, at least, is manifest, that the Supreme Power of the Jews as to Seculars, which is all that I am concerned for at present, was lodged in him, and in him alone, and that he had no Rival in it. Yet Moses himself, as Josephus Perfonates him, owns his Brother's Priest-hood as preferable to his own Office of the Magistracy. For so he makes him speak

concerning his disposal of the Priest-hood: † If I had not had regard to God and his Laws in giving this Honour, I would not have endured to pass my self by, to give it to any other. For I am more nearly related to my self, than I am even to my Brother, and more disposed to love my self than him. He plainly supposes him to have denied himself in what he had done in distribution of those Offices, which he could never have said, with any consistency, if he had reserved himself the nobler Office of the Two. This Mr. Selden was not aware of, when

he therefore conceives the Author of the Testaments of the Patriarchs to have lived in modern times, because he prefers the Priest-hood before the Civil Magistracy, as if that Doctrine had been first brought in, in the times of the Popes Encroachments on the Rights of Princes in the West. Had he recollected himself, he might have found the same Doctrine in the East, and in those Earlier Ages, wherein no Examples could be found of such Encroachments. He might have remembered that the Work he there disputes of, was brought by Lincalnicus first from the East to these Western parts, and therefore was written by an Eastern Author, where there were no Bishops pretending to a Civil Independency on the Empire, or to a Right of deposing Princes, and absolving Subjects from their Oaths of Allegiance, who might have been gratified by such Doctrines. For my part, I take that work to have been written

G 2

* Τίς δὲ οὐκ ἂν ἀρεστὴν ἀνέχετο ἀντὶ τοῦ ἰσχυροῦς ἰσχυροῦ, ἡγουμένου ἡμῶν, ὡς τὸ Παῖς, ὃ τὸ δαδόναι ἐκ ἰσχυροῦς μόνον, ἀλλὰ ὃ ΒΑΣΙΛΕΙΑΣ ἀμείνων. Philo de Monarchia, p. 519.

* Deut. XXXIII. 5.

† Numb. XXIII. 21.

* Καὶ ὁ δὲ ἐν τῷ γενεῶν τῷ οὐκ ἔστιν ὁ τῷ τιμῷ ἡγουμένου, ἐκ δὲ ἡμῶν τοῦ πολεμικοῦ καὶ πλεονέκτητος ἡμῶν, ὡς τὸ δαδόναι, ὃ τὸ δαδόναι τὸν ἀλλοτρίον, ὃ τὸ δαδόναι ἡμῶν οὐκ ἔστιν ὁ δαδόναι τὸν δαδόναν. Joseph. Antiquit. Lib. iv. Cap. 2 pag. 104.

See also Lib. III. Cap. 9. Pag. 87. Edit. Colon. 1691.

in

in the *Apostolical Age*. It is expressly quoted by *Origen*, long before such *Encroachments on Temporal Rights* were thought of. It is written in the *Hellenistical Greek Hebrew Style*, then ordinarily used, when the *Apostolical Converts* had formerly been for the most part *Jews*, beyond the skill of the *Modern Times* to have imitated it. Besides, it mentions the *Apostolical times* as the *last times*, a mistake frequent in the *Reasonings* of those times, but which could not have been believed by any who lived at an *Age's* distance from them. It has very little, if any thing, relating to the *Destruction* of the *Temple* by *Titus*, which the *Design* of the *Author* would have obliged him to have been large in, if he had lived *after* it. These things considered, will make that *Work* also fit to be considered, as another *Testimony* of the *Sense* of the *Jews* in the *Ages* of the *Apostles*; the *Style* and *Notions* of the *Author* making it, every way, seem probable that he was a *Convert* from them. This *Doctrine* therefore being then believed, must perfectly have destroyed all *Pretensions* of the *Magistrate* in Affairs of this Nature, at least, in the *Opinion* of those who believed it. The *Magistrate* of this *World*, could not, in his *own Right*, challenge any *Power* in things relating to the *other World*. The only way therefore left him, by which he might challenge it, must have been some *Donation* of *G O D*. Yet neither for this was there any the least *Pretext*. No *Text* of written *Revelation* ever so much, that I know of, as *Pretended* for it. And no *likelihood* for it, in the *Nature* of the thing it self. No *probability*, that *G O D* would intrust Concernments of a *Nature* incomparably more *Noble*, with a *Magistracy* less *Noble* than the *Trusts* committed to it. No *probability*, that *G O D* would hereby expose *interests* so much in themselves more *valuable* and *dearer* to himself, to the hazard of being *postponed* to those less *noble* ends for which the *Secular Magistrate* was principally concerned. These things supposed, cut off all *Pretensions* of *Right*, imaginable in such Cases. And the dreadful *Examples* of *G O D's* Severity against meddling in *Holy things* without *Right*, even in the Cases of *Saul* and *Uzziah*, who were themselves invested with the *Supream Civil Authority*, must have been thought sufficient to deter all *Posterity* from intermeddling in such matters, without very *just* and *evident* Claims of *Right* for doing so.

Nor did this *Reasoning* hold only our Supposition that the *Benefits* of the *Priest-hood* were thought to extend to a *future State*. Though it had only related to *this World*, as all other *Priest-hood* besides that of the *Jews*, did undoubtedly; yet even so, there was no reason to believe the *Civil Magistrate* had any *Rights* to dispose of it. This at least was thought certain that the *High Priest* who could oblige GOD to accept him and his *Obligations*, (without which all his *Ministry* must have been *unavailable*) must first have been suppos'd to derive *Authority* from God. Had the *Priest* only represented the *People*, there might have been some *pretence* for the *Magistrates* interest in appointing and removing the *Person* of the *Priest*, as being himself invested with all the *Power* that can be derived from an *Original* purely *Humane*. But as the *Priest* has a *Power of Blessing and Cursing* *Authoritatively*, so as to oblige GOD to ratify his *Blessing* and *Curses*, as *Men* have qualified themselves respectively; so it is certain that he cannot oblige GOD, unless he represent GOD, which he can never do, unless GOD have granted him *Authority* to do so. And as he does not only offer the *Peoples Prayers and Sacrifices*, but offers them with a *Title to acceptance*, so he must himself be a *Person acceptable to GOD* on account of his *Office*, which he cannot be presumed to be if he come into his *Office* any other way than GOD has appointed for his *Admission*. Indeed the whole ground of his obliging GOD depends on GOD'S *Promise*, which is GOD'S *Part* of the *Covenant*. And in this regard none can oblige GOD but the *Priest*, and no *Priest* but he who has before been appointed by God to do so. *Covenants* are *mutual*, and therefore require, and give *Security*, on both *Parts* concerned in them. The *Priest* therefore, as, in a lower sense, mediating in this *Covenant* between GOD and *Man*, is to procure *Security* on GOD'S side, as well as on *ours*. This he cannot do but by obliging GOD to promise *Performance* on his part, of what is to be done by him as his part of the *Covenant*. And that *Promise* being GOD'S part of the *Covenant*, he cannot be obliged to it any other way than as he is obliged to the *Covenant* it self. Nor can he be obliged by the *Covenant*, if the *Priest* be not first *Authorized* by him to *Covenant* for him, and to oblige him by that *Act* of his own *Authority*. Thus therefore it appears that the *Priest* as a *Common Mediator* in a *Covenant* between GOD and *Man*, must therefore be invell'd with a *Divine*, as well a *Humane*, *Authority*.

§ XXXV.

This same Reasoning holds on account of the Priest representing GOD, though without relation to a future State.

Nor

§ XXXVI.

*And that also
according to the
Opinions of those
times.*

Nor was this Reasoning only true, but also believed to be so in the times I am now discoursing of. St. Paul plainly supposes it as true of Priests in general, in his Reasonings in the Epistle to the Hebrews, That Priests ought to be Authorized by the GOD for whom they are to Officiate. Every High Priests taken from among Men is ordain'd for Men in things pertaining to GOD, that he may offer both gifts and Sacrifices for Sin. Heb. V. 1. And he tells us by whom they were so taken and ordained, v. 4. No Man taketh this honour to himself; but he that was called of GOD, as was Aaron. The Proposition is Universal. Accordingly he observes that CHRIST also glorified not himself; to be made an High Priest: But he that said unto him, Thou art my Son, to day have I begotten thee, v. 5. And that he also was called of GOD an High Priest, though of the Order of Melchisedec. v. 10. The Duty must be Universal, when he Reasons thus upon it from the Aaronical Priest-hood (which himself counts of another Order Chap. VII. 11.) to that of Melchisedec. The Apostle here Speaks exactly according to the sense of the Old Testament. GOD there also says concerning Aaron and his Sons: I have given your Priests Office unto You. Numb. XVIII. 7. And again: Behold I also have given thee the Charge of mine offerings, of all the hallowed things of the Children of Israel. Unto thee have I given them by reason of the Anointing, and to thy Sons, by an Ordinance for ever. v. 8. This was said after the punishment of Korah, and the second confirmation of the Priest-hood to them, by the blossoming of Aarons Rod. No doubt with a design to intimate that they who should come in otherwise, should be as Korah and his Company (so it is expressed Chap XVI. 40) though not in the Miraculousness of their Punishment, yet at least in the Unacceptableness of their Ministry. It is withal observable further, that GODS giving the Priest-hood is said to have been by reason of the Anointing, that is, by the Rites of Consecration. It is certain. GOD did intend, as in other things, so particularly in his Priests, on occasion of whom he says it, to be Sanctified in them that come nigh him, Lev. X. 3. In order whereunto it was requisite that they also should be Holy as he was Holy: This was a federal and external Holiness, upon account of their being initiated into their Office by the external and federal Rites of Consecration, among which this of the Anointing was the principal. Whosoever therefore was not thus Anointed, was, for that very reason, presumed not to be Holy, nor therefore acceptable to GOD, and consequently incapable of the Priest-hood. But this Anointing required not only the Holiness of the Oymment, but of the Person also that administred it, and that in a higher degree than could belong to the Civil Magistrate. The Princes indeed had an Unction, and were by that enabled to perform some lower

lower Acts of Consecration. So Solomon makes the Prayer of Dedication of the Temple. But the principal Consecration of the Temple was by the Sacrifices, in which the forementioned examples of Saul and Uzziah shew that the Prince had no Right to intermeddle. What Moses did in the Consecrating Aaron and his Sons, was by special direction from GOD, and before GOD had confined to Priest-hood, and therefore could not be made a Precedent afterwards. After that first Consecration was performed, we never find Moses any further intermeddling, but he leaves all the Acts of Priest-hood afterward to them who, by that first Consecration, were Authorized for them. The Unction and Holiness of the Priest-hood did so far exceed the Unction and Holiness of the Regal Power, that the Princes intervention in the Consecrating of a Priest could not, in the sense of those times, be taken for the Act of GOD, requisite for giving a Priest-hood. It is very true, the King, on account of his Anointing, was counted Holy. And so were all the Congregation holy. Numb. XVI. 3. And it is reckoned among the Privileges of the Peculium in General, that they were a Holy Priest-hood. Yet that did not excuse them from a great Piacular crime, whenever they invaded any Offices of their own Priest-hood. Every lower degree of Holiness was counted Prophane in comparison of that which was above it. As therefore the Gentiles were reputed Prophane in comparison of the Jews, who were equal in Holiness to the Gentile Priest-hood, so the Laity of the Jews were reckoned Prophane in comparison of the Levites, as the Levites also, in comparison of the Ordinary Priests, and those also, in comparison of the High Priest; and were accordingly treated by GOD, if they presumed on Offices higher than those committed to them. Though therefore the Prince was more Holy than the Laity, yet that did not warrant his invasion of the Office of the meanest Levite. So far it was from giving him any Power over the High Priest-hood it self. He had no Power of Inaugurating, and therefore had none of Exaugurating to speak in the old Roman Pontifical Style.

Thus it appears on all accounts, that judging by the Doctrines received in that Age, Solomon could not pretend any direct Power, for depriving Abiathar of his Priest-hood. Hence it follows 3^{ly}, That all that Solomon could do, on account of his Regal Power, was only to exercise that external Force on him, which he might justify, on consideration of his Secular Crime, as his Sovereign in Seculars, which though it could not in Conscience deprive Abiathar of his Right yet might (in the Consequence) make all the exercise of his Right impracticable. And indeed the words of the Text imply no more than what was the effect of pure force. So Solomon T H R U S F e u t A b i a : h a r f r o m b i n g P r i e s t u n t o t h e L o r d, 1 Kings II. 27. And that very agreeably

§ XXXVII.

Solomons Act on Abiathar was only of Force.

agreeably to the true importance of the Word there used. The vulgar *Latine* renders it *ejecit*. The LXXII. *ἐξέκαλε*. The *Hebrew* root is *קָנָה* which the LXXII. render *ἐκείνη*, *ἐκείνη*, *ἐκείνη*, *ἐκείνη*, *ἐκείνη*, *ἐκείνη*, but most frequently, as in this very place, by *ἐκείνη*, words all of them denoting *violence*. Nor can we think that this Word, rather than any other that might have been used, was chosen without a particular design. That seems to be to let us understand, what I have now been proving, that Solomon could not make *Abiathar* cease to be a Priest unto the Lord by any Judicial determination that might directly affect his Right, but by the force now mentioned, which might make the Exercise of his Right impracticable. This Solomon might do by banishing him from Jerusalem, and confining him to *Anathoth*.

§ XXXVIII.

Which Force might, in the Consequence, render the Exercise of his Right impracticable.

For it is to be remembered, that the Jewish Priest-hood included several Secular Rights, which must therefore have been in the Power of the Secular Magistracy; and as to the Spiritual Offices, was so confined to places, which the Magistracy could hinder the Priests from by his Power of External Force, that, in case he would make use of his Force to hinder them, the whole Exercise of the Right of Priest-hood would thereby be rendered impracticable. It included, by Divine Institution, many Secular Rights. Particularly, as to the Oracle of Urim, by which many Secular Causes were to be determined, and by which, (on account of the Governments being Theocratical) the Supreme Civil Magistracy as well as the Subject, was in Conscience to be concluded. This was consulted by the Elders of Israel concerning their designed Expedition against the * Benjamins, by Saul on the miraculous victory of † Jonathan, by David in the Cases of Sauls Expedition against him, and the treachery of the Men of Keilah, and his own Expedition against the Philistines. And the Elders of Israel, even in the time of Joshua, are blamed for not * Asking Counsel at the Mouth of the Lord in the Case of the Peace made with the Gibeonites, by which we understand the Obligation of the Civil Magistracy, as well to consult, as to observe this Oracle. And in private Cases, when a Cause fell out † too hard in Judgment, that is, for the Decision of the Ordinary Judges, between blood and blood, between plea and plea, and between stroke and stroke, as in the time of Moses, they consulted him, and he consulted GOD; so afterward, the ordinary court was, to make the Ultimate Appeal to the Priest (no doubt the High Priest more principally) and to stand to their award under of pain Death. These Causes which concerned blood and blood, and stroke and stroke, were undoubtedly Secular, as also

* Judg. XX. 27.

25.

† Sam. XIV. 18.

19.

† 1 Sam. XXIII.

9, 20, 11, 12.

2 Sam. V. 23, 4.

† Chr. XIV. 14.

15.

* Josh. IX. 17.

† Deut. XVII.

8, 11, 12, 13.

also the *Capital* punishment to be afflicted on those that proved re-
 factory. These *Secular Rights* GOD annext inseparably to the *Priest-*
hood. But the execution of them wholly depended on the *Power* of
 the *Sword*, which GOD was pleas'd intirely to permit to the *Civil*
Magistrate, whom the *Priests* could therefore only oblige in *Conscience*,
 which obligation if the *Magistrate* would not regard, it was fully in
 his *Power* to hinder the *Execution* of such *Decrees*. So also, even the
Spirituals of that *Sacerdotal Office* depended on things in the *Power* of
 the *Civil Magistrate*. The *Lawful Priest* himself could *Sacrifice* no
 where but in the *Temple*, and at the *Altar* of *Jerusalem*, and in the
 particular *Vestments* prescribed by the *Law*. If he did, such *Sacrifi-*
ces would not only be unacceptable, but *Piacular*. This the *Romans*
 very well understood, when, by locking up the *Vestments* in the *Fort*
Antonia, and by keeping a *guard* there that should command the *Tem-*
ple, to which the *Fort* was contiguous, they engrossed the disposal
 of the *High Priest* *hood* intirely to themselves. And it was also in the
Power of *Solomon* to make the whole *Exercise* of *Abiathar's Priest-*
hood impracticable, by the like *force* which he had a *Right*, as a *Prince*,
 to exercise, where he should judge it necessary for the good of the
Secular Society, for which he was principally concerned. This was
 an *indirect* *Power* over *Abiathar's Spirituals* in order to his own *Tempo-*
ral,

But then it is to be considered further *4ly*, (by the *opinions* of § XXXIX.
 those *times* grounded on *Reasons* lasting *Still*) *Princes*, though they *Yet Solomon*
 had that *Power* annext to their *Office*, were notwithstanding obliged *was in Consci-*
 in *Conscience*, to be *sharing* in the *Use* of it against such *Holy Persons* *ence obliged to*
 as *Abiathar* was. *Holy places* were every where, by the consent of *be cautious in*
Civilized Nations, allowed the *Right* of protecting such as fled to *exercising this*
 them, if they were not guilty of the highest *Piacular Crimes*. Thus *force against*
 it was in the *Case* of * *Adonijah*, and others mentioned in the Old * *1 Kings I. 50.*
Testament. Thus, in the *Cases* of the * *Isaiah* and *Supplices*, among
 the *Greeks* and *Romans*, The *Piacularium Cylonianum* among the *Athenians*
 was famous. Though † *Cylon* justly deserved what he suffered, yet
 because some of his party were killed in the *Sanctuary*, the displeasure
 of the *Deity*, on that account, was to be atoned by a *Solemn Expi-*
ation, which was performed by *Epimenides*. And if the *places* were
 thus revered on account of their *Consecration*, much more the *Priests*
 from whom they received it. This is exactly the *Reasoning* of our
 Blessed *Saviour* in a * *Like Case*. Accordingly it was a general *Rule*:
 † *Touch not mine Anointed*, for whose sakes even ‖ *Kings* also are find
 H TO

§ XXXIX.
 Yet Solomon
 was in Consci-
 ence obliged to
 be cautious in
 exercising this
 force against
 the Priest-hood.

* 1 Kings I. 50.

† Thucyd. Lib 1.

* St. Matt. XXIII.

17, 19.

† Chr. XVI. 12.

PC. CV. 15.

† Chr. XVI. 21.

PC. CV. 14.

9. Sam. XXIV.
10. XXVI. 9.
11, 23.

9. Sam. XXII. 7.
† v. 13

to have been *reprov'd*. This was the Security of the whole *Peculium* of *Israel*, among the many Nations through whom they passed in their Expedition from *Egypt* to *Canaan*. This was the Security of the Prince himself, that none could *Stretch out his hand against the Lord's Anointed, and be guiltless, That is, without being guilty of a *Piacular Crime*. And how could *Solomon* hope that *Assassins* would regard his own Anointing, if himself had violated an Anointing so much greater and Holier than his own, from whence his own was derived? This reverence also to Holy Persons obtained by the consent of *Civilized Nations*, which is to us an Argument of the Law of Nations. *Aesop* as a Person Holy and beloved of the GODS was revenged by them. The like was their Opinion of several Poets also, as *Pindar*, *Stesichorus*, &c. And this also was among them Translated to the Interests of the Civil Magistrate, The Tribunes of the People among the Romans were first secured by it. Afterwards the Emperours were so also, by having the *Tribunitian Power* and the Pontificate annexed to their Office. And how far this opinion prevailed, even among the Jews of those Earlier Ages, appears plainly in the Murder of *Abimelech* and the Priests by *Saul*. His own *Servants could not be prevailed upon to do it. None indeed but † *Doeg* the *Edomite*, who being of an other Nations might be supposed to have less regard for the Jewish Consecration. And there was particular reason for this reverence to the Priest-hood in the Jewish Governments as it was Theocratical. As it was such, the Magistrate was more particularly obliged to do every thing according to the mind of GOD himself whole Viagerent he was. And GOD being the principal and Supreme Governour, he was as much concerned in every thing, to take care that it were performed according to his pleasure, as every inferior Magistrate is bound, at his peril, to do every thing according to the mind of the Supreme Legislator, rather than his own. This would oblige the Prince to value every thing according to the esteem that GOD was pleased to put upon it. and the more to make Religion his Principal Care as it was certain GOD did, and to make his own Interest to give way to the Interests of Religion, and the Honour of his own Function, to the Honour of the Priest-hood, as he would approve himself faithful in the Trusts committed to him. That GOD had given the less Noble Office a more effectual Security, as to this world, against encroachments, he had reason to look on as a Wise provision for the Publick, that where there might otherwise have been the most Specious pretensions, and consequently the greatest Temptations to encroaching, there might be the lesser advantage for it. But it ought

ought by no means to embolden him to be the first aggressor. He had reason to fear, in those Ages so Famous for the frequency of Divine interpositions, GOD himself might the rather think himself the more obliged, by the Rules of his own Providence, to vindicate the Sacred Power, by how much the more he had left it destitute of Humane Patronage. Uzziah afterwards found it so. This therefore must have obliged Solomon to use the Coercive Power granted him, rather in his own defence, than in a way that might, even in consequence, look like violence to so Holy an Office,

And to make it probable that Solomon had these very considerations before him, to contribute nothing by his Legal Force to this deprivation, but what was agreeable to his own Station and the mind of GOD; I observe *5ly* that the Text it self gives a Reason of what he did, perfectly Suitable to such thoughts, that he did it only as an Executioner of the Prediction of Samuel concerning the removal of the Priest-hood from the House of Ithamar. The Words are these: * So Solomon thrust out Abiathar from being Priest to the Lord, THAT he might fulfil the Word of the Lord, which he spake concerning the house of Eli in Shilo. I know very well that this particle *that*, is used in the N. T. when a Prophecy was fulfilled in the Event, though he who fulfilled it knew nothing of the Matter. But the circumstances of this place make it probable that Solomon knew what he did, and intended the accomplishment of that Prophecy, and that what he did was done by him purposely, for that very end, that he might fulfill it. The Prediction was very notorious, being twice repeated, first by a Man of GOD, 1 Sam. II. 27, then by Samuel also, Chap. III. 11. as the first initiation of him into his Prophetic Office, which recommended him to all Israel from Dan to Beersheba, as one that was established to be a Prophet of the Lord, v. 10. It was also in both Cases notified to Eli himself, that all, as well Friends as Enemies, might know it. How therefore can we believe Solomon ignorant of it? Then the distance of the time between Eli and Abiathar was such, as that there was reason to expect that it should be fulfilled in Abiathar, if it were fulfilled at all. Such punishments of the Children for the Parents were not usually deferred beyond the fourth generation, as appears from the words of the 2d Commandment. So also in the Hebraean History, the treachery of Gyges against Candaules was punished in Cræsus, who was in the fourth generation descended from Gyges; as Jehu's Conspiracy was also, in his fourth generation, in the Sacred History. By these Examples we find a consent in those Traditions of the earlier Times. And the distance between Eli and Abiathar could

§ XL.

What Solomon did was only to fulfill what GOD had before threatened against the Family of Eli.

* 1 Kings II 27.

• Joseph Anti.
Lib. VIII, c. 1

not be left. • Josephus indeed makes *Eli* to have been the *Grand-Father* to *Abiathar*. But it is certain that they were further removed than so. *Abiathar* was himself the Son of *Abimelech*, and *Abimelech* the Son of *Abitub*. So *Abitub* must have been his *Grand-Father*. Thus it appears that *Abiathar* was, at least, in the fourth Generation from *Eli*, whose Sin was to be punished in him. Further yet, *Abitub* is said to have been the Brother of *Ishabod*, the Son of *Phineas*, the Son of *Eli*, 1 Sam. XIV. 3. Thus *Abiathar* will be the Vth from *Eli*, (if both terms be included) and in the 4th Generation, in the utmost way of counting possible. There was therefore no reason to expect any further delay of that punishment which had been so long before predicted. And therefore *Abiathar* was the Person in whom it was to be expected. This being so, *Solomon* could not but look on it as very *Providential*, that *Abiathar* should be permitted by GOD to fall into the conspiracy of *Adonijah*, and thereby to incur his Royal displeasure, in whose Power it was to execute the Divine Sentence on him, by that Power of Force which GOD had committed to the Prince. It tended withal very much to confirm the same Observation, that, for above 40 Years since his first evil (for so many years were contained in *David's* Reign reckoned from the death of *Saul*) *Abiathar* should have no Posterity that might Succeed him in his Office, if this was indeed his Case. For by this it appear'd necessary that if he were depriv'd, the whole family of *Ishamar* should be deprived also, at least the Family of *Eli*, as the Prophecies forementioned had foretold. For as for the rest of his Family, *Saul* seems to have destroyed it universally. These Observations put together might give reason to believe, that this was the very time design'd by GOD for the accomplishment of this Prophecy. At the same time *Zadok* was firm to *Solomon's* Interests, which seemed to tend to fulfil the Prophecy to *Phineas* of an everlasting Priest-hood, implying that the time should come, when the whole succession from *Aaron* should be confined to the Family of *Phineas*, which therefore was not to fail together with the other collateral Branches derived from *Aaron*. But I rather believe, that *Abiathar's* Family did not fail intirely, which still makes further for my purpose, that what *Solomon* did in this matter, was really with a design and prospect on the Prophecy it self. Otherwise, had he only designed a Personal punishment for *Abiathar*, that might have been done by removing him from the Priest-hood, and substituting the next of the Family of *Ishamar* in his place. What he did more is not, any other way, so well accountable, as by supposing him to have had a direct design of fulfilling the Prophecy. It is otherwise as apparent from the Prophecy

it self, that *Eli* was to have a *Posterity* that was to *Survive* the fulfilling of the Prophecy, as that they were to be deprived of the *Priest hood* by it. What else can be the meaning of those Words? * *And* * 1 Sam. II. 36. *it shall come to pass, that every one that is left in thine House, shall come and crouch to him* (the faithful Priest before mentioned, not of *Eli's* Family) *for a piece of Silver, and a morsel of Bread, and shall say Put me (I pray thee) into one of the Priests Offices, that I may eat a piece of bread.* Now, in this way of Reasoning here mentioned, GOD himself had declared his pleasure that *Abiathar*, and the House of *Uthamar* too, should be deprived of the *Priest-hood*; and deprived at that very time. So that *Solomon* had nothing more to do in it, than to use that Lawful Power God had given him for forcing him out of his Possession.

But whatever *Solomon's* concernment was in the Deprivation of *Abiathar*, I add farther, *ely* that it was not an Example, so far it was from being a Precedent, of a Deprivation of a High Priest properly so called. I deny not but *Abiathar* was a High Priest, but not in the appropriated Sense. The N. T. History and *Josephus*, mention whole Bodies of High Priests, who with the Bodies of the Scribes, made up the Jewish *Judicatories* relating to Religion. These might consist, partly of those who had been High Priests, partly of the Heads of the Several Sacerdotal Families, partly of the Heads of the Sacerdotal courses. But the High Priest concerned in our present dispute, is he only who answered our Christian Bishops, as a Principle of the Unity of the Jewish Communion, as the Bishops are in the Christian. This could have been only one, the chief of all who were called by the common name of High Priests, who could be the Principle of Unity. And I deny *Abiathar* to have been High Priest simply in this appropriated Sense. * For *Zadoc* is frequently mentioned with him, yet so, as that he is always preferred before him. And this, in *David's* time as well as *Solomon's*, which plainly shews that this Superiority did not begin from the Expulsion of *Abiathar*. From that time he was alone, and therefore had so little reason to be reckoned in the first place, that he had no reason to be joined with him at all. Indeed he was every way Superior to *Abiathar*, as well in order of time, as in the Dignity of his Office. In order of time. For he is joined not with *Abiathar* only, but with † *Abimelech* also, and so joynd with him as still to have the precedence of him also. If *Abimelech* be the true Person designed to be joined with *Zadoc* in these places, he cannot be the Son of our *Abiathar*, * as the Doctor fancies, because both places refer

§ XLI.

Abiathar was not then the High Priest properly so called but Zadok.

* 2 Sam. XV. 29.
16. XVII. 17.
XIX. 11. XX. 25.
† Kings IV. 4.
1 Chr. XV. 11.

† 2 Sam. VIII. 17.
1 Chr. XVIII. 16.
• Chap. II. 3. 3.
P. 17.

refer him to the time of *David* If he were his *Father*, then as it is certain that *Abimelech* was put to Death by *Saul*, so it must be certain that *Zadok* who was *coeval* with him, must have been in the time of *Saul* also, and before *Abiathar*. But perhaps there may have been an easy transposition of *Abimelech* the son of *Abiathar*, instead of *Abiathar* the Son of *Abimelech*, in both Places. So they will be parallel to those other places now mentioned, where they are so joyned, and the time of both will agree with the time assigned them in the Text, that of *David*, whose *Reign* will hardly admit of any Colleague for *Zadok*, besides our *Abiathar*. Besides, as the time of *David* is inconsistent with either a Son or a Father of our *Abiathar*, so neither was the Father of our *Abiathar*, the Son of another *Abiathar*, but of *Abitub*. Unless possibly both Father and Son of had both Names, that of *Abimelech* and of *Abiathar* also. It is certain that *Abimelech* the Father, under whom *David* did eat the *Shew bread*, is in the Gospel called * *Abiathar*. But whether I may securely reason from these Readings or not, it is certain from the Unanimous Consent of so many other places, that *Zadok* was *High Priest*, and *Superiour* to *Abiathar* in that Office, even in the time of *David*. This is at once sufficient to overthrow the Doctor's Fancy, that *Zadok's High-Priest hood* commenced from the Expulsion of *Abiathar*, and those of *Josephus* also, and of the Rabbins, who made the *High Priesthood*, for many Generations, translated from the Family of *Eleazar*, to that of *Ishamar*, and not restored to its true oncient course, till this dishonour of *Abiathar*.

* St. Mark. II. 26.

§ XLII.

There were in these times two High-Priests at once; the chief, such as *Zadok* was, of the Family of *Eleazar*, the lower, such as *Abiathar*, of the Family of *Ishamar*.

They had no Books to inform them in this matter more than we, no other *coeval* Writings but the *Scriptures*, which no where assert any such matter in plain terms. The only way remaining therefore how they might gather this Opinion thence, must be by their own Reasoning and Consequences. And it is not very difficult to guess what those might be. There is indeed no *High Priest* mentioned in the interval from *Phineas* to *Abiathar*, but *Eli*, *Abias* and *Abimelech*, all of the Race of *Ishamar*. Thence they conceived that all the stock of *Phineas* for that time, were private Persons; not invested with the *High-Priest hood*. But the Name of *High Priest* is never given to any of those Predecessors of *Abiathar*, much less in the appropriated Sense of which I am now discoursing. How then do they come to know that they were *High-Priests* in the Sense here disputed? Is it because *Abias* ministred before the Ark, and *Abimelech* and *Abiathar* gave Divine Answers to *David*? But how do they know that this Office of giving Responses by Urim, was so the prerogative of the first *High-Priest*, that it might not in his absence agree to the lower *High Priest* of

of the *Junior Family*? Why might not the Two Families take their turns, for the mutual ease, in these Offices of attending the *King*, as the *Ordinary Priests* did afterwards in their 24 Courses in attending on the *Temple*? And why might not these *times* fall on the *courses* of *Ithamar*? The great occasion of their mistake is, that judging of the Customs of these more *ancient* times by more *modern practices*, they thought none capable of wearing the *Ephod*, by which the *Oracle of Urim* was given, but the *High Priest*, properly so called in the appropriated sense, in which there could be no more at one time, but one. And that which gave them this Occasion, was, that this *Ephod* is reckoned among the Garments peculiar to the *High Priest*, in contradiction to the *Priests* of lower Orders. But upon a closer examination, they might have found that the *High-Priesthood*, as to the execution of it, was common to *Aaron* and all his Sons, and therefore that the *Vestments* were so too, only with dependence on him, while he lived, and on him who should afterwards succeed him in his *Prerogatives* as first and chief of those who did yet all partake in the execution of the *High-Priesthood*. This seems clear in all the places where the *High-Priesthood* is spoken of in the *Pentateuch*. *Aaron* is hardly ever mentioned without his Sons, as joint sharers with him in it. The first Command was, that **Aaron and his Sons* should be taken from among the Children of Israel, that HE might minister in the Priest Office. They are **consecrated* together, and by one common Form, which seems plain to imply, that the Power communicated by that Form, was common also, only reserving the Rights of the *Prerogative*. Their †*Washings* were the same, and their **Unction* also, which was the principal Rite of *Consecration*, which entitled them to all the Right they could pretend to as the *Lords Anointed*. The †*Offerings* were also common among them, both those which were to be shared by them, and those which were offered for them. The Form of **Blessing* the People prescribed to both, is exactly the same. And from this power of *blessing*, the †*Apostle* reasons, in judging the greatness and excellency of *Priest-hoods*. The **Levites* also were given in common to *Aaron* and his Sons. And even in this very particular of the *Vestments*, *Aaron* is not mentioned alone; but his Sons also are joined with him. The Holy †*Garments* were for *Aaron and his Sons*, that he might minister unto GOD in the Priest's Office. That HE alone is so often said to minister, even when THEY also are joined with him, shews plainly their dependence on him, as a Principle of Unity. Accordingly all *Aaron's Sons* were joyned with him in this Affair. So the Text runs, **That he may minister unto me in the Priest's Office, even Aaron, Nadab and Abihu, Eleazar and Ithamar, Aaron's Sons*.

* Exod. xxviii.

1. 1 Chr. xxiii. 13.

* Exod. xxix.

4. 8cc. Lev. viii.

2. 8cc.

† Exod. xxx.

19. xl. 13. 31.

* Exod. xxx. 30.

† Lev. ii. 3.

vi. 10. vii. 34.

xx. iv. 9.

1 Chr. vi. 49.

* Numb. vi. 23.

† Heb. vii. 7.

* Numb. iii. 9.

IV. 19. 27.

VIII. 13. 19. 22.

† Exod. 11. xxviii.

4. 43.

* Exod. xx. viii.

So that all the *Four* should have had *High-Priests*, if they had all of them left *Posterity*. This is expressly given as the *Reason* why the common *Rights* were only succeeded to in the Families of *Eleazar* and *Ithamar*, that the other Brethren left no *Posterity*. † *Nadab* and *Abihu* died before their Father, and had no Children; THEREFORE *Eleazar* and *Ithamar* executed the *Priest's Office*. Wherein then consisted that *Appropriation* of those *Vestments* to the *High Priest* properly so called? That there was but one of those *Vestments* made, which could therefore, on no occasions, be worn by any more than one at once: That these were in the custody, or at least, at the disposal of the *first High Priest*, and could therefore be worn by none of the rest, without his particular *Favour* and *Indulgence*: That they were therefore worn only by that *High Priest*, who was the *principal* in the particular respective *Ministry*: That therefore they were worn by the *first High Priest* as often as he ministered, because he never could be other than *principal*; but by the *second*, never but when, by the absence of the *first*, he thereby came to be *principal*. And hereby a clear account is given how the *High Priest's Office* was performed, in case of the *Sickness*, or *Uncleanness*, or any other incapacitating Circumstance, of him whose particular duty it was. In this Case, the *second High Priest* might perform it for him. This was a Case which might probably and frequently fall out, and therefore was particularly to be provided for in the *Constitution*. The rather, because in the day of *Expiation* it might have been of formidable Consequence to the whole Nation, if the Solemnity of that great day had been omitted, even on what account soever, and thereby the *Annual Sin* of the *Peculium* had not been atoned for. The *Rabbinical Sagan*, is not a *Scriptural* but *Chaldee Term*, and therefore wholly derived not from well-attested *Traditions*, but later *Reasonings*.

§ XLIII.

No deprivation of the Posterity of Phineas in those times.

* Num. xxv. 11.

Thus therefore it appears, that all the Conjectures of the private Life of the Posterity of *Phineas*, till the expulsion of *Abiathar*, are perfectly groundless and precarious. They who first thought of it, ought to have considered how this was reconcilable with the Promises made to *Phineas* of an everlasting *Priesthood*, if either he, or his immediate Posterity, had been deprived of the *Priesthood*, and not restored till so many Ages after. None could have thought it reconcilable, who had lived in those Ages before the *Restoration*. Nor are there any later Demerits of *Phineas* pretended, that might occasion, nor any Prophecies that gave the least warning of, even that *Interruption*, in an Age whose Rewards and Punishments were particularly adapted to Mens Behaviour in this World. It now appears, that *Ithamar's Posterity* might, by this Constitution, officiate as *High Priests*, without being so in the strict sense

ense of the Word. It also appears, that on account of the same Constitution, Zadok was before Abiathar, as being of the Elder Family of Eleazer, and that therefore his being always mentioned before Abiathar was grounded on the real greater Dignity of his Priesthood before that of Abiathar. Whilst Aaron lived, we have seen how his pre-eminence, and his Sons dependance was maintain'd, by *his* being said to do what they all assisted him in. This therefore being the Prerogative of the Principle of Unity, must have descended from Aaron to his Successor in the Prerogative. Accordingly we find, at Aaron's Death, that the Right of his Vestments did not descend to his Sons in common, but only to Eleazer. This Josephus himself confesses to have been *did* τὸ ἀρχαῖον, on account of his Primogeniture. What made him then not think on some better account than that he gives, why Zadok is preferred to Abiathar, even in the time of David? All the Reason he gives for it is, that he was *his*, that is, David's † Friend. How is this reconcilable with what he says elsewhere, that the Posterity of Phineas did *Idiō- τῶν*, were private Persons till this restitution of the Priesthood by Solomon, to the Family of Phineas, at the Expulsion of Abiathar? Yet even in this † later place also, he owns that Zadok was High Priest under David. Could the Restitution be made by Solomon, and yet Zadok be High Priest in the time of David? Was it likely that so religious a Prince as David could prefer a private Person before the High Priest, only because he was his Friend? But it was the plain Testimony of the Scriptures asserting the Priesthood of Zadok in the time of David, that forced Josephus to these Contradictions to his own Reasonings. He might have found a better Title for Zadok than David's Friendship, if he had but remembered that Zadok had the same Title with Eleazer, which himself had founded on the Right of Primogeniture. But we need not ground Zadok's Right on the bare Opinion of so inconsiderate, and therefore so inconsistent, a Writer. The Scripture it self is sufficiently clear in this matter. Speaking of the Garments of Aaron, no doubt those peculiar to the High Priesthood strictly understood, it adds, * And that son that is Priest in his stead, shall put them on seven days when he cometh into the Tabernacle of the Congregation, to minister in the holy place. The Sacred Writer manifestly supposes only one of his Sons that had so frequently been joined with him in the Administration of his Office, who could succeed him in the Right to the Vestments: And who could that one Son be, by the Customs of those times, who could plead the best Title to succeed him in incommunicable indivisible Prerogatives, but the Eldest? How then can we doubt of the Title of Zadok before Abiathar, Zadok being descended from the Elder Brother?

* Num. XX.
26, 28.
Joseph. Ant. lib.
IV. c. 4.

† ἀλλ' οὐ
αὐτῷ Joseph.
Ant. lib. VII. c. 6.
p. 222.
* Joseph. Ant.
lib. VIII. c. 1.
p. 254.
† Ὁς ἀρχιερεὺς
ἦν Δαβὶδ τῷ
Βασιλεῖ.

* Exod. XXIX. 30

§ XLIV.

Zadok put in the room of Abiathar, as to the Courses of Ithamar, which were not under him before.

* 2 Chr. XXIV.
2. 4.

† 1 Kin. XXIII. 4.

But then the Difficulty will be, how these Words are to be understood; *Zadok the Priest did the King put in the room of Abiathar.* 1 Kin. II. 35. Not certainly, of his being *then* put *first* into the High Priest's Office, if what I have already proved hold true, that *Zadok* was already possessed of a nobler station in the Priesthood before, than *Abiathar* himself was. That had been a degradation of *Zadok*, rather than a promotion of him. But we have another, and an easier and more probable account of it. * *David* had before divided the Two Sacerdotal Families of *Eleazar* and *Ithamar*, into four and twenty Courses, whereof sixteen were of the House of *Eleazar*, and only eight of the Family of *Ithamar*. Those of the Family of *Ithamar* were committed then to the Care of *Abiathar*: For him I understand, as I said before, by the Name of *Abimelech*, who was indeed the Son of *Abimelech*. The room therefore into which *Zadok* succeeded upon this Exile of *Abiathar*, was the Management of those eight remaining Courses of *Ithamar*, which were not under him before. Thence forward therefore, all the twenty four Courses were under the Disposal of the House of *Eleazar*. Yet so, that the High Priest of the Family of *Eleazar*, did not immediately take care of them, but committed them to another nominated, as it should seem, by himself, but not one of the House of *Ithamar*. This I take to be the Second Priest mentioned, 2 Kin. XXV. 18. Jer. LII. 24. in contradistinction to the Chief Priest, who was the High Priest properly so called, in the confined sense of the Word. And these eight Courses of *Ithamar*, I take to be meant by them who are elsewhere called the † Priests of the second Order, not hitherto so commonly understood. And perhaps the Levites also of the second Degree, 1 Chr. XV. 18. were they whose particular Office it was to attend these Priests of the second Order, the whole Tribe of the Levites being given, as I observed before, to *Aaron* and his Sons, in common. And that these second Priests, under the House of *Eleazar*, were not, as formerly, confined to the House of *Ithamar*, I take to be the ground of the Inconvenience the Posterity of *Eli* were like to be reduced to by this Change, as it is expressed in the Prophecy concerning it, that they were to crouch to this second Priest, in order to their being put into one of the Priests Office, 1 Sam. II. 36. There was more necessity of crouching now, when they had to do with one not so nearly related to them, than when they were always secure of having one to deal with, who was of their own Family. This might be the Sagan, mentioned by the Rabbins, in the Language used after the Captivity, who, though he were more subject to the true High Priest of the House of *Eleazar* than formerly, might yet be serviceable to him in the same capacities

capacities that those were in, who had been of the House of *Libanar*, in officiating for him, when himself was under any *Legal Impediment* for performing his own Duty, in his own Person.

Hence it follows 7ly, that, even by our Principles, the *Jews* had no reason to make any *Separation* on *Abiathar's* account, though we should suppose him deprived, not *unjustly* only, but *invalidly* also. For supposing his deprivation *invalid*, all that can follow is, that still he retain'd the same *Right* as to *Conscience*, which he had before. But even that would not have sufficed for to justify a *Separation*, on his account. Even before, not *he*, but *Zadok*; was the *Principle* of *Unity*. So that, in case of *difference*, they were still secure in adhering to *Zadok*, in opposition to all others whatsoever, whoever he were that occasioned the *Separation*. Even before, therefore, *Zadok*, owed no duty to him, but *he* to *Zadok*; and consequently, not *Zadok*, but *he*, had been guilty of the *Schism* that would have followed upon the *difference*. If such an *invalid* deprivation could not affect, or weaken, the *Title* of *Abiathar*, as to *Conscience*, much less can it be pretended to affect that of *Zadok*, who was not any way concerned in it. Even before, the *Duty* of the *Communicants*, in case of such division, had been still owing to *Zadok*; and therefore they also must have involved themselves in the *Schism*, if, upon pretence of their duty to *Abiathar*, they had violated their more sacred and obliging *Duty* to *Zadok*, to whom *Abiathar* himself owed *Duty*, as well as they. Indeed they owed *Abiathar* no *Duty* at all, but in *subordination* and *dependence* on their antecedent *Duty* to *Zadok*: And therefore when that *subordination* and *dependance* had been taken away, as it must have been by a notorious *Separation*, they could not then owe *Abiathar* any duty at all; and therefore they must have broken their duty to *Zadok*, in paying any to *Abiathar*. For thus it is in other *subordination* also. Whilst a *General* does himself observe his own *Sovereign*, his *Soldiers* cannot pay their duty to the common *Sovereign*, without paying it to the *General*, who has the *Sovereign's Authority* to exact duty from them. But if the *General*, revolt, they are judged *Rebels*, as well as *he*, to the common *Sovereign*, if, upon any pretence whatsoever, they pay him any *Duty* at all. So far this Case therefore is from being paralld to that of our present *Holy Fathers*, that here the *Reasoning* and the *Duty* lie directly contrary. If our *Fathers* still retain their *Right* in *Conscience* (as they must, if the Sentence of *Deprivation* be *invalid*, with regard to *Conscience*, as pronounced by them who have no *Right* to judge them, in relation to their *Spiritual*)

§ XLV.

The Jews, by our Principles, could not justify a separation on account of Abiathar. Their Case not like Ours.

then their *Rivals* can have none in the same *Jurisdictions*, and the whole charge of *Schisms* must lye against them, and those who maintain them in their *Invasions* of our Father's *Rights*. How can they then apply here the Case of *Abiathar*?

§ LXVI.

When Invasions had passed into a Prescription, as in our Saviour's time, be that was in Possession had really the best Title.

Thus far I have proceeded on the *Sense* and *Reasonings* of those earlier times of the *Jews*, which is certainly the *truest* and *solidest* way of judging concerning *Obligations* and *Duties* incumbent on the Subjects then. And by these it has appeared, that the *Civil Power* could not pretend to any *Right* of depriving *Priests* of their *Right* as to *Spirituals*, and with regard to *Conscience*. This consideration did restrain *Princes* of their own *Nation*, who had any regard to their *Duty* to *GOD*, from putting the Case. But when they were not under the Government of *Princes*, who were of their own *Nation* and *Religion*, but under those who did not think themselves obliged by the positive *Laws* of *GOD*, to protect the *Priests* from the *Legal Power* of force which *GOD* had committed to them; this was the time indeed, wherein we find Examples of true *High-Priests*, even properly so called, who were deprived by the *Secular Power*. Here therefore were Two Cases; one was, when the *Practice* of *Intrusions* was now grown so frequent, that no *High-Priest* living had a better Title; the other, upon the first invasion, when the true Predecessor was still living, and had not renounced his *Rights*. The former, was the Case in the time of our Saviour. The old way of deriving the succession to the next of the Family who was legally qualified for it, having none of those Corporal blemishes which by the Law could make him incapable of it, (on which account *Eleazar* succeeded *Aaron*) was long before that laid by a *Prescription* sufficient to antiquate it. For many Generations, it had been disposed of by the *Secular Princes* who had the Power of the *Temple*, first by the *Macedonians*, then by the *Romans*, to Persons no otherwise qualified than by their being only of the Family of *Aaron*. There was therefore then, no Person living who had a better Title as to the designation of his Person, than the pleasure of the *Civil Magistrats* who had the command of the *Temple*, and the *Sacerdotal Vestments*. As soon therefore as any Person was once possessed of the *Temple* and the *Altar*, the same way as his Predecessor had been, his *Right*, was every way, as good as the *Right* of any other, who could pretend against him; in which case, the publick Interest, (which is inseparably *Right*) for ending *Controversies*, has always given preference to the Possessor. Both of them were as well consecrated into the Office by *Spiritual Persons*, as well as invested by the *Lay Power* into the possession of the *Externals* requisite

quisite for executing the *Spiritual Office* committed to them. And that the *later* was consecrated into his *Predecessor's Place*, both without the *consent*, and by the *subjects* of his *Predecessor*, was as applicable to all his *Predecessors* as himself, and therefore must as much weaken their *Title* also, as it did *his*, and make them only *equal to him*, on this consideration also. This would resolve the *Right* only into some *dead Person*, whose *Rights* all *Laws* determine with their *Lives*, especially were no *Person living* is concerned in them. All therefore that can be said in this *Case* is, that what ought *not* to have been done at *first*, was now *done*, and *ratified* by *Providence*, the same way as all other *Humane Governments*, as well *Secular* as *Sacred*, are usually changed by *Prescription*, which by the *Law of Nations*, and with relation to the good of *Mankind*, and *Governments* in *general*, is, in process of *time*, judged sufficient to *extinguish* an *Original Right*, and to make that a *R I G H T* which at *first* was no other than *invasion* and *Violence*. This holds especially where the *Right* is only *Personal*, as that of the *Priest-hood* was; and the *Person* made *incapable* of holding it. *Mutilation* alone was sufficient to have taken away the *Right* of the *Priest-hood*, by the same *Law* that gave a *Right* to it, and therefore much more *Death*. This was really the *Case*, when our *Blessed Saviour* communicated with the *High-Priests*, obtruded by the *Romans*. *Josephus* himself observes, that whereas the *High Priest-hood* was before for *Life*, then it was *not* so, but during the *pleasure* of those who had the *Power* of the *Temple*. And I know no *Eternally obliging Law* from the *nature* of *Priest-hood* in *general*, that makes it *essential* to the *Priest-hood* to be for *Life*, more than for any other *Humane Office*. If it were therefore *changeable*, such a *prescription* was undoubtedly sufficient for *actually* changing it. And if this *Case* hold any where among *Christians*, it does so, at present, among the *Constantinopolitane Greeks*. They also now are brought to that pass, that their *Patriarchs* have not their *power* given them for *Life* at the *time* it is given them, but during the *pleasure* of the *Infidel Magistrate*. The *Greeks* therefore are under no *Obligation* of *Conscience* to assert the *Rights* of any *Predecessor*, by *refusing* Communion with his *Successor*, because the *Predecessor* himself had no *better* a *Right*; and the *Successor*, has on *this account*, an *equal Right*, but, on account of *Possession*, a *better* than *he*. But this can, by no means, be applied to the *Case* of our *present Fathers*. They, at their *Consecration*, had a *power* given and *intended* for *Life*, which is not yet *taken* from them by the *power* that gave it them; and therefore have manifestly, by our *present Constitution*, a *better Title* than their *Successors*. They are indeed *THRUST* out of their *Possession* as *Abiathar*,

*Josephus. Ant.
L. X. c. v.
p. 721.*

but

but with no such evidence of the *Divine Sentence* passed against them, as was in his Case. We have, as yet, no *Prescription* for such *Violences*; nor have we to deal with an *Infidel Magistracy*, as they had. Heathen Governours, might with more *consistency* to their own *Principles*, use such *Violences* so frequently, as at length, when all were dead who had a better Title, to make them pass into a *PRESCRIPTION*. This can, by no means, become *CHRISTIAN PRINCES*, *DEFENDERS* of the *FAITH*, nor *CHRISTIAN PARLIAMENTS*; much less, *MEMBERS* of our late flourishing *CHURCHES* in these Dominions. This I say, on Supposition only of the *Legality* of our *Civil* establishment.

§ XLVII.

Among the Jews, the true High-Priest was to be known by his possessing the One Altar. Among the Christians, the true Altar was known by its being possessed by the true Bishop.

If our Adversaries will needs Reason from *Precedents* of those times, they must put a Case exactly *Parallel* with Ours, of a *High-Priest* possessed of a Title unquestionably better than his *Successors*, yet violently forced, as Ours are, out of his *Possession*. This Case, I grant, did frequently befall the *Jews* when they were Subject to *Infidel Magistrates*. But it was in such times whose *Practice* we cannot reckon upon as *Infallible*, as we can upon that of our *Blessed SAVIOUR* and his *Apostles*. Here therefore we cannot reckon upon their bare *Practice*, That, what was done, was as it ought to be, purely on this account alone, because it was done; but, independently on that, we must enquire what the *Principles* then received obliged them to do, if they would approve themselves true to them. And here, I have already shewn that *External Force* alone was sufficient to make all exercise of the *Priest*hood impracticable, to the Person so deprived by *Secular Force*. Hence it follows, that it was not in their Power directly to assert his *Right*, by communicating with him in Acts of his *Sacerdotal Authority*. For him to erect any other *Altar*, where it might be in his Power to *Officiate*, besides that in *Jerusalem*, was condemned as *Schismatical*, by the *Doctrines* of those *Ages*, in the Case of the *Samaritans*, and upon the same accounts as the *Worship* in the *High places* had been condemned in the *Scriptures*, and as the *Altar* built by the *Tribes* beyond *Jordan* was condemned, till they knew the true design of that *Altar*, that it was only for a *Monument* of their interest in the *Altar* of *Jerusalem*, not for *opposite Sacrifices*. The only way therefore left them to assert his *Right*, had been to have abstained from communicating in the *Sacrifice* of his *Rival* in the *Temple*. But there is great reason to believe that that was more than they could justify then; and that reason peculiar to their *Constitution* at that time, which therefore cannot be drawn into *Consequence* now under the *Gospel*, nor applied to the Case of our present *Holy Fathers*. It is certain that

that their Communion then was as much confined by GOD to the *One Altar at Jerusalem*, as to the *One High Priest*. The only Consideration remaining, is whether of the two Regards was *principal*. That is the proper way to determine, whether was to *give way* to the other, where both could not be had : That is, whether that *Altar* was to be taken for the *One Altar* designed by GOD, where the *true High Priest* officiated, who had the nearest *Title* in the order of *Succession* from *Aaron* ? Or, whether that *High Priest* was to be taken for the *true Representative* of GOD, and thereby could oblige GOD to performance, who officiated at the *Altar of Jerusalem*, provided he were otherwise qualified, by being of the *Posterity of Aaron*, and of the *Line of Phineas*, and fairly consecrated by those who had *Power* to consecrate him, though he were not the *next* that was legally qualified, of that very *Line*. And we have reason to believe, that the *Altar* was the *principal* Consideration in the Design of GOD, who thereby secured the *Communion* against *Schismatical Factions*, even of the *High-Priests* themselves, by allowing none for his *authorized Representatives* but those who were possessed of that *One Altar*. For *Jerusalem* alone is called the *Holy City*, St. Matt. IV. 5. XXVII. 53. and so call'd in the *Jewish Coins* for that very Reason, because that was the *place where men ought to worship*, St. Joh. IV. 20. That only was the *place* whether they were to bring their *Tythes* and *Offerings*, and where all their *Males* were, *thrice a Year*, to appear in Person. So that all face of *publick Worship* must have been laid aside at the Pleasure of their *Insolent Princes*, if one *Obtrusion* of a *remote Person*, in the order of the *Succession*, might have sufficed to hinder their communicating there, which none can think but that GOD did intend to lay greater stress on, than on the *immediate Order* of the *Succession*. It is certain, they could not, by the *Law* it self, challenge their *Dues for Maintenance* any where else than there, nor eat several of the *Oblations* any where else than in that *holy place* in their *Temple*. Which shews plainly, that the *Dues of Priesthood* were not due to them on any other Condition, than that of their officiating in that very *place* designed by GOD for their *Holy Offices*. Hence it appears, that what *Rights* they might pretend, when they were excluded from the *Altar of Jerusalem*, was only such a *remote Right* as Men ordinarily have to *Offices*, before their *Admission* into the *Legal Possession* of them. They are indeed *wronged* if they be not admitted as the *Law* requires ; but till they be admitted, the same *Laws* allow them no *Title* to the *Profits*, and *Duties*, and *Dependencies* annexed to the *Office*. This was the *Practice* of the *Jews*, when there were *Examples* of violent *exclusion* of those who
by

by the *Law* had a *Right* to possess the *Temple* and *Altar*, but did not actually possess them. And by the *Reasoning* now mentioned, the *Practice* appears to have been agreeable to the Mind of the Divine *Legislator*. But the Case is quite different in our *Fathers* Case under the *Gospel*. By the Apostolical *Ignation* it appears, that the *Bishop* is the *Standard* of our *Christian Altars*: That where *he* is, there the *Peculium* is to * *Assemble*; and they only who do so, can,

by the *Laws* of *Christianity*, be properly called the † *Church*: That his *Altar* is the *True Altar* || and his *Eucharist* the only * *Valid Eucharist*: and that no *Acts* of *Ecclesiastical Authority* are † *acceptable* to *G O D*, or can expect a *Ratification* by him, which are performed any where else than where *he* is; or without his || *Leave*. This ruins all *Consequences* from their *Practice* then to our present *Case*.

* Ότε αν παρ' ο δεικται. λαβη το παλινδ' Ιου' απο το αν ης Χειρς Ιου'ς, και η κα- δοικη εκκλησια. Ignat. Epist. ad Smyrn. n. 8. ενδουα το επσκοπο, &c. Epist. ad Magn. n. 6. οτι το αυτ' μια ο- σολη, &c. ibid. n. 7. αν αν ενι ον συν το επσκοπο. Epist. ad Philadelph. Inscip. "Οτι Ου εις η Χειρ Ιου'ς, ου μ' το επσκοπο εις. ibid. n. 3. τα Ιου' υμν μη συνευρωσι, η αν αχρηστ Ου, Ιου' Χειρ η το επσκοπο. Epist. ad Trall. n. 7.

† Χειρς τ'ων εκκλησι' η καδου. Epist. ad Trall. n. 34

|| Ut quis erit dominus sit. quid sit factendum, ita loquitur. προσευχου εν μη δευτερον, το επσκοπο, Ιου' ουν Ου' ανωθεν. Epist. ad Eph. n. 3. εν dominus ος αν επσκοπο. Epist. ad Philadelph. n. 4. ο ανος dominus αν, καδου αν τα Ιου' ος αν επσκοπο η ανωθεν. Ιου' η ανωθεν ανωθεν τι, αν η καδου αν το ανωθεν. Epist. ad Trall. n. 7.

* Έκλειν βεβαια, ουχ ος ανωθεν η ανωθεν επσκοπο. Ignat. Epist. ad Smyrn. n. 8.

† ο αν εκλειν. Ακαδου, αν η αν Ου' ανωθεν, Ιου' ανωθεν η αν βεβαια ανωθεν. Ibid.

|| η αν ανωθεν επσκοπο. Ibid.

§ XLVIII.

The Reasons for Exemption from the Power of the Prince stronger on our deprived Fathers Case, than in the Case of Abiathar. Our Bishops are properly Priests.

Hitherto I have considered the Case of *Abiathar* in general, as it concerned the *Jews*, with some general *Strictures* only, with relation to our present *Case*. I now proceed farther to consider the same *Reasonings*, insisted on by the *Principles* of those *Ages*, for proving *Abiathar* exempt, as to his *Spirituals*, from the Jurisdiction of *Solomon*, with relation to the *Constitutions* of the *Gospel*, which are those by which our present *Fathers Rights* are to be estimated. Here therefore I design to shew that the same *Reasonings* hold, and hold with more *Evidence*, and *Force*, for our deprived *Fathers Rights*, than they did for those of *Abiathar*. First therefore our *Episcopal Fathers Rights* are as properly (indeed in a more noble sense) the *Rights* of a *Priesthood*,

Priesthood as those of *Ahiathar* were. So that it is very proper to reason from one to the other. I know how very difficultly this is admitted by many. And yet I wonder it should be so, considering that it is manifest in the reasonings of the Writers of the *Apostolical Age*, who reason from one to the other as plainly as I do, which Reasonings must be perfectly unconclusive as proceeding on four terms, if the Notion of Priesthood be not supposed *universally common* to ours, as well as the Jewish Ministry. Thus the Apostle Reasons in the Case of maintenance: *Do ye not know that they which Minister about Holy things, live of the things of the Temple? And they which wait at the Altar, are partakers of the Altar?* Even so hath the Lord ordained, that they which preach the Gospel, should live of the Gospel. GOD'S ordaining there, is supposed as known by them to whom he argues, from what GOD had constituted in relation to the Jewish Priesthood, and Temple, and Altar; which could by no means be applicable to his design for proving an Obligation under the Gospel, for maintenance of the Gospel Ministry, but by supposing our Case the same with theirs, that we have a Priesthood, a Temple, and an Altar, as properly as they. The same Apostle Reasons on the same supposal, when he compares our Eucharistical Bread and Wine, and the Communion we have with CHRIST by them, with the Communion maintain'd both by the Jews and the Gentiles, with their respective Deities, by Sacrifice. With the Jews, in these Words: *Behold Israel after the Flesh: Are not they which eat of the Sacrifices, partakers of the Altar?* v. 18. Here plainly he supposes our partaking of the One Bread, in the Words immediately preceeding, to be the same thing with us, as the eating of the Sacrifices, and partaking of the Altar. How so, if our Eucharist had not been properly a Sacrifice? With the Gentiles, where he compares our drinking the Cup of the LORD, with drinking the Cup of Devils; and our Partaking of the LORDS Table with partaking of the Tables of Devils v. 21. and our Κοινωνία with Christ v. 16. with a Κοινωνία with Devils, v. 20. It plainly appears, that the Table of Devils was furnished with no other Feasts but Sacrificial, and they are expressly called Sacrifices, v. 19, 20. These things also plainly shew, that the benefits expected by the Christians from their Eucharist were transacted, according to the then receiv'd Notions both of Jews and Gentiles, by Sacrifices, as properly so called as the others were, as to all intents and purposes of Legal transaction. So again, the same Apostle owns the Sacrificial Style, when he calls that an Altar which he had elsewhere called the Lords Table: *We have an Altar whereof they have no Right to eat, which serve the Tabernacle.* That Altar he compares with meats in the verse before, and therefore must probably mean the Eucharistical Altar. Besides the Jews did pretend to

1 Chr. ix. 4

1 Cor. x. 16, 17
19, 21.

Heb. xiii. 10.

Clem. Rom. Ep.
ad Corinth.

the *Heavenly Altar*, as is clear from the places formerly produced from *Philo*. But it was *Notorious* that their *Priests* as such had no *Right* to the Christian *Eucharistical Altar*, nor did they ever pretend to it. This therefore was more unquestionable, and more fit to be Reason'd on, for the Apostles purpose. So also *Clemens Romanus* argues from the *Sacredness* of the *Jewish Priest-hood*, to the like *Sacredness* of the *Gospel Ministry*. And from the like *Notions* of an *Altar*, *Ignatius* also Reasons in the places already mentioned. So many precedents we have of *Reasonings* of this kind in the *Apostolical times* themselves. And if he consider the things themselves sedately, I see no reason why we should think these *Notions strange* in that *Age*. The *Jewish Sacrifices* themselves were not then thought available as they consisted in shedding the *Bloud of Brutes*, but as they represented the *Archetypal Sacrifice* of the *Atty*, and as *Covenanting Symbols* gave the *Communicants* a *Right* to what was represented by them. This was the truly *beneficial* *Notion* of a *Covenant* transacted by *Sacrifice*. And in this *Sense*, I cannot conceive how our *Adversaries* can deny our *Eucharist* the name of a *Sacrifice*, as *properly*, as it agreed to any used among the *Jews*. Our *Eucharist* also was designed by our *Lord* to represent his own *Archetypal Sacrifice* on the *Cross*. And not only so, but as a *Covenanting Symbol*, to convey a *Right* to that *Sacrifice*, so represented, to the *Worthy* rightly disposed *Communicant*. What therefore can our *Adversaries* desire more for satisfying the proper *beneficial* *Notion* of a *Sacrifice*? Wine may, by *Christs appointment*, signify his *Bloud* to *Covenanting beneficial purposes*, as well as *real Bloud* it self.

§ XLIX.

The Gospel
Priest-hood more
Noble than that
of Abiathar.
The same Reasoning
holds now which
aid then; but
now more
strongly.

This therefore being supposed that our *Gospel Ministry* is a *Priest-hood*; I add further *ely*, that it is a *Nobler* one than that of *Abiathar*. This I am sure is *proved* or *supposed* in all the *N. T. Reasonings*, that whatsoever was *Common* to the *old* and the *New Peculium*, was still more excellent under the *New Peculium* than that which answer'd it under the *old*. I cannot now spare leisure to give *Instances*. It is at present sufficient for my purpose, that what was *less* certain concerning the *Jewish Priest-hood*, is more certain in *Ours*; That the principal design of *Ours* is to oblige *GOD* to performance of *Promises*, as his part of the *New Covenant*, *explicite* and *clear*, not only *implicite* as formerly, in relation to *Spiritual* and *Future* and *Eternal* benefits, which none but *GOD* is able to perform. In this regard the new *Passions* of which our *Lord* is a *Mediator*, is called a *better Testament*, *Hebr. VII. 22.* as *introductive* of a *better hope*, *v. 19.* a *better Covenant established on better Promises*. *Hebr. VIII 6.* *Life and Immortality* being elsewhere

2 Tim. 1. 10.

elsewhere said to be brought to light by the Gospel. And the Priest-hood relating to this new Covenant is preferred before the other Levitical one, in that Levi in Abraham pay'd Tithes and received a blessing from Melchisedec, as the lesser from the greater. Hebr. VII. 7, 9. In that the Priest-hood of the New Testament is an Everlasting one, as all Archetypal Ideal beings were supposed to be, in the sense of the Platonick Hellenists, whose Language and Notions the Apostle alludes to in those places. Not only as it was Eternal in the Individual Person of the Ady, but also as it was to be so in the Succession of the Gospel Ministry, which was never to give way to any other future dispensation, as that of the Law did. Besides, in that here the entrance into Heaven the true Tabernacle, was more immediately performed by the Archetypal High-Priest himself; Hebr. VIII. 1, 2. than under the Law, where it was only shadowed by the High-Priests entering into the Holy of Holies Hebr. IX. 7. This also advanced the Dignity of the Gospel Priest-hood, even in the Ministers themselves as representing the Ady & more immediately, and under a Noble dispensation than they did who were of the Order of Aaron. Hebr. VII. 11. To this also the Apostle adds that the Melchisedekian Priest-hood, as it was for ever, so it was also by an Oath, of which there was no use in the constitution of the Levitical Priest-hood. Hebr. VII. 20, 21. Thus therefore it every way appears that the Consequences inferred in the Case of Abiathar, must hold here, but with more Force and Cogency. If the Levitical Priest-hood exceeded the Dignity of the Civil Magistracy, much more the Evangelical Priest-hood must do so too. If that required a Divine call greater than could be given or repealed by the Civil Magistrate, this must do so also. If the Unction of the Priest-hood then so far exceeded the Unction of the Civil Magistrate, as that the Magistrate could not invade the Office without Sacrilege and a Pious Crime, much less can he now justify his Invasion of a Priest-hood, so much Holier than that was. If the Sacredness of their Office then was thought sufficient to awe all Conscientious Magistrates from offering any thing that might look like violence to such Holy Persons; a greater Sacredness of our Priest-hood now ought in reason more to awe the Magistrate now under the Gospel Dispensation. The Punishment of such Encroachments was indeed more frequent and visible then, but in the Apostle's Reasoning, it is *forer now*: Hebr. II. 2, 3. X. 19. I am sure it must needs be so, if we believe our Religion, that its not being inflicted here is only a reserving it for the Future State.

§ L.

This Reasoning was admitted in the Apostolical Age. Particularly by Clemens Romanus. He also vindicates the Churches Rights against Lay-deprivations from Jewish Precedents.

Nor are these Consequences only just from this concession, but 3ly, agreeable also to the actual Sense of even that Apostolical Age. The Necessity of a Divine Call for Priest-hood in General is owned by the Sacred Author of the Epistle to the Hebrews, as we have seen formerly, and therefore could not be denied by him concerning the Gospel Ministry, which I have also shewn that he believed to be a Priest-hood. The Dignity also of the Priest-hood above the Magistracy is plainly own'd by the Author of the Testaments of the Twelve Patriarchs. This also will be another Testimony of the Christians of the Apostolical Age, if what I have said before prove sufficient for shewing that he lived and wrote in that Age. However, we have an Author unquestionably of that Age, so clear and evident for our purpose, that I cannot foresee what any of the Vindicators Adversaries can be able to reply to him. That is, the Apostolical CLEMENS in his famous Epistle to the Corinthians. And which is more, what he says, he says in prospect of a Case as like ours as those times were capable of. SOME of the Laity who were inspired with the Spiritual Gifts mentioned 1 Cor. XII 8, &c. had then taken upon them to make a Faction against the established Governours of the Church, who restrained them from the disorderly Liberties they had been used to, before the Government had been introduced and settled among them. Before, they had been used to honours not suitable to their Station, but their Gifts; but Government being settled, they were thereby obliged to confine themselves within the decorum of their Station. Hence that Emulation and Envy he there complains of, when Persons formerly more regarded for their

† ἀποκαλῶν τὴν λειτουργίαν
ἀποκαλῶν μυστήριον καὶ τὸ ἱ-
ερωδὲν αὐτοῖς τότε μετατρέψαι
ἐκ τῆς λειτουργίας αὐτοῖς τὴν ἐκκλη-
σίαν τῆς λειτουργίας π. 44.

* ὅτι ἐκ τῆς ἐκκλησίας οὗτοι τῆς
ἐκκλησίας, ὅτι οὐκ ἐστὶν τὸ ἐκ-
κλησίαν, ἀλλὰ αὐτοῖς [Μουσικοῖς]
ἄλλοις ἀλλοῖς ἢ αὐτοῖς οὐκ
ἐκ τῆς ἐκκλησίας, καὶ τὸ ἐκκλη-
σίαν ὁ Θεὸς οὐκ ἐστὶν ἐκκλησία
καὶ αὐτοῖς π. 43.

Gifts, were now engaged in Duty to give way to others less Gifted, but in a more eminent Station. This made those Gifted Brethren Mutinous, and the esteem they had acquired by their Gifts so recommended them, as that a defection followed so universal, that the Governours were forced out of their Possession. CLEMENS calls it a † D E P R I V A T I O N, or by words implying it, and argues against it exactly as we do, on the Principles already mentioned. He insists on the care that G O D had taken formerly for asserting the Rights of the Jewish Priest-hood, and to let them see that it was himself who had appointed them to that Honour. * When the ὄντα καὶ ἱερωδὲς fell out, he observes how G O D decided it by the blossoming of

Aarons

Ανομιαν *νόμ.* This plainly implies, that the *Ἰσχυρὸς* of Emulation so often by him reprov'd in the *Seismaticks*, concern'd the *Priest-hood*

also. He observes the *Care* GOD had taken then, that all their † *Offices* should be performed in their due Order. This might be purposely to warn the gifted Brethren to forbear the *ὑπερβολὴ τοῦ ὁμιλῆσαι*

1 Cor. XIV. 16. when now there was an Order

of Men purposely allotted for the *Eucharistical*

Sacrifices. He enumerates all *Ranks* of their *Subor-*

dination, † *High Priests, Priests* and *Levites*, nay

Laicks also. He seems therein to intimate, that they

were *Laicks* who were guilty of that *invasion* of *Sacerdotal*

Offices, against which he there disputes,

That is, who were guilty of the *deprivations* now

mentioned. Indeed he supposes such a *deprivation*

to be an *invasion* of *Sacerdotal* *Offices* not tolerable

in a *Layman*. And when he says this concerning the *Laitie* in general,

who can doubt but that *Christian Magistrates* must be concluded in the

Consequence of what he there discourses? The same *indignity* of the

Seismaticks, as to their *Station* in the *Church*, is implied in what he

elsewhere says, that they were *ἀτιμίαι ἐν τῷ ἱερῷ*. *ἄδικοι ἐν τῷ ἱερῷ*

ἱερῷ, dishonourable against those who were *Honourable*. Against

these therefore he so disputes, that *Laymen* ought to be so far from pre-

tending to exclude the *Ecclesiastical Governours*. That even *inferior Ec-*

clesiasticks ought not to presume upon the *Offices* of those who were

Superior to them in the *Ecclesiastical Subordination*, as the *Levites* were

not to intermeddled in the *Function* of the *Common Priests*, nor the *Com-*

mon Priests, with that of the *High Priest* among the

Jews. He therefore obliges them, to perform their

* *Eucharistical* *Offices* in the *Rank* and *Station*

wherein GOD had placed them, not transgressing

their *bounds* as they had done *formerly*, as it should

seem, in imitation of the old *Prophets*, who had,

as *Prophets*, taken upon them, not only to *Com-*

† καὶ ἡμεῖς τὴν ἱερωσύνην τῆς ἐκκλησίας ἐπιτελέσωμεν, καὶ οὐκ ἀλλοτρίως, &c. n. 40.

¶ Τῷ δὲ ἀρχιερεὶ ἰδίᾳ λειτουργίας διδόνται οἱ, καὶ τῷ ἱεροσυνῇ ἰδίᾳ ἐκτελέσονται, καὶ ἡ δὲ ἐκκλησία διακονίας ἐπιτελεῖται, ὁ λαὸς ἀνθρώπων τῶν λαϊκῶν ἀποσπᾶται. n. 40.

* Ἐκαστὸς ὁμοίως, ἀλλοιοί, ἐν τῷ ἴδιῳ τάγματι ὑποτασσόμενοι Θεῷ ἐν ἀγαθῇ συνειδήσει ὑπακούοντες, καὶ περιεχόμενοι τῷ ἀπειρήνῳ τῆς λειτουργίας αὐτῶν κλήρῳ, ἐν σπουδῇ. n. 41.

† Οἱ ἐν ἑαυτοῖς τὸ καθεῖναι τὴν λειτουργίαν αὐτῶν ποιῶντες τι, διὰ τὸν τὸ ἑαυτῶν ἱερωσύνη. n. 41.

Stories of *Corab*, *Dathan* and *Abiram*, and *Uzzab*, among whom were Examples of *encroachments* of both sorts, some of the *Laiety*, on the *Sacerdotal* function in general, such were *Dathan* and *Abiram*, who were *Reubenites*; some of *inferior*, on the *Superior Sacerdotal* Stations. Thus he argues from these *Precedents* under the *Law*, to prove the like *Obligations* under the *Gospel*. So far he was from our late Brethren's Fancies concerning the *Unconclusiveness* of such *Arguments* in this very *Case* of the *Priest hood*.

§. LI.

He does it also by the same Principles, as by him owned agreeable to the Constitution of the Gospel.

* Ὁρᾷτε, ἀδελφοί, ὅσην πληρο-
ντες καὶ ἐκείνων ἡμῶν γινώσκετε, τὸ
σὺν ὑμῖν μὴ εἶναι κατακείμενον κατὰ νόμον
π. 41.

So far, I say, he was from that, that he makes such *Invasions* more *formidable* now, under so much a *Nobler Dispensation*. So his following Words imply: * *Take care, my Brethren, lest, by how much our knowledge of the Divine Mysteries (that is the importance of Truths in that Age) is advanced, by so much our danger be advanced also.* And so far he was from being obliged, by any exigency

of his Cause, to argue as he does, from *Precedents* under the *Law*, if that way of *Reasoning* had not then been judged, solid; that he tells us, that *Christ* also had made the like Provision for securing the *Gospel Ministry* from the like *Encroachments*. He tells us therefore, that the *Apostles* being forewarned by our Lord, that the like *Contentions*

* ἐπὶ τῷ ὀνόματι τοῦ κυρίου ἡμῶν
π. 44.

† οὗτοι τῆς ἡμετέρας π. 43

* ἀποβήσονται ἐκ αὐτῆς τῆς πληθύνου-
π. 44.

* *Name of Bishop*, as had been before, among the *Jews*, relating to the *† Priest hood*; had therefore, in their * *foreknowledge* of that very event, taken the like care for preserving the *Office* from the like *Invasions*. The *Apostles* here mentioned, I take to be *St. Peter*, and *St. Paul*, who had

by their common Labours planted both Churches, that of *Rome*, from whom this *Epistle* was written, and that of *Corinth*, to whom.

§ Οἱ Ἀπόστολοι ἡμῶν π. 44.

* ἐν ἡμῖν π. 6.

As therefore, he calls them in this place, *our Apostles*, so elsewhere he says, that *St. Peter* and *St. Paul* had set a noble Example of *patience* * among us. These Two Places thus compared together, give us to understand who the *A-*

postles were of whom he there speaks. He therefore further acquaints us with the *Expedients* those *Apostles* took for securing the Holy Office from these foreseen *invasions*. He says, they themselves *†* put several of those Persons into their Office, of whom he was then discoursing; that is, of those who had been deprived by these

κατὰ νόμον τῶν ἀποστολικῶν.
π. 44.

Laiet

Laical Mutiniers. This therefore, it seems he looks on as an Argument, that they who had been put in possession of their Places by Persons of the *Supream Ecclesiastical Dignity*, should not be dispossessed at the pleasure of the *Laiety*, who, how great soever their *station* might be otherwise, yet were not regarded in their *Ecclesiastical Judicatories*, but according to their *Ecclesiastical Honours*, (*St. James II. 2, 3, 4, 5, 6.*) which in the *Laiety* were none at all. But there were at that time, in their *Ecclesiastical Presbytery*, some substituted in the place of those of the first settlement, who were since deceased. And for these also he makes the *Apostles* to have taken care.

He tells us, that in foresight of this Case, they provided for an *ἐπινομία*, an *Inheritance* that others might succeed into their Places. Possibly it ought to be *ἐπινομία*, as denoting an *Additional Law* to those other *παρουσίας*, received from our Lord, which had formerly been mentioned by this same Author. So, in imitation of Plato's *Ἐπινομία*, *Philo*, as I remember, calls *Deuteronomy* by the same Title of *Ἐπινομία* as given a little before *Moses* his Death, after the Collection of his former *Laws*. So our Author teaches us, that this *Law* also for securing the *Succession*, was given by these *Apostles*, after they had now settled the Church of *Corinth*, and ordained as many as they then thought necessary for the *Government* of it. That is the notion of *μεταξύ*, it signifies in him after-

wards. as appears by another || Example very little distant from this same place. He tells us therefore what this *Additional Law* was, that they who were to be substituted in their places as they died, were to receive their *Authority* from Persons of the highest rank in the Church. That I take to be the Notion of *ἐκδοχίμοι ἀνδρες*, that they were *ἐκ λόγου*, as that signifies to be had in reputation, and as on the contrary contemptible Persons are said to be *ἐκ ἐκδοχίμου* *ἐκ ἐκδοχίμου*, like the *proletarii* or *capite censi* in the *Roman matricula* of Citizens, Registered as so many Names, not for any considerable benefits that their Cities receiv'd from them. These *ἐκδοχίμοι ἀνδρες* therefore, were such as by the *Apostles* themselves were designed for supplying the *Apostolical Office* after their depature, in filling up the *Vacancies* of those *Presbyters*, who had been put in Office by the *Apostle* themselves, as they tell. This therefore *St. Clement*, in this Reasoning, takes for a great Presumption, that the *Laiety* who were of the lowest rank in the Church, should take upon them to displace those who had been put into their Office by the highest

* ἡ μεταξύ ὁποῦντο Ἀδελφάν, ὅπως ἴδω κοινωδῶν, διακρίνον-
ται ἵνα οὕτως ἀδικημάτων ἀνδρες
τῶν λειτουργῶν ὦσιν, π. 44.

† Παρουσίας ὅν λαβόντες.
Ec. π. 42.

|| μεταξύ ὅς ἐτίμων ἰσχυρίων
ἀνδρῶν, Ec. π. 44.

Eccle-

Ecclesiastical Authority. And yet the *Laiety* whose Case he speaks of, where *Prophets*, and Spiritually gifted Persons, which Gifts were always admitted for fairer pretences to Spiritual power, than all the worldly Grandeur, and the Secular terror of the Civil Magistrate. *Prophets* had been allowed that power even in Sacrificing, which never was allowed the Secular Prince. Yet even against these, St. *Clemens* asserts Rights of the Church, by the very same Topick insisted on by Us, that the power of the Church was derived from God himself. We see he ascribes this power of the *Magistery* to the Authority of the *Apostles*. So

* Οἱ Ἀπόστολοι ἡμῶν ἰσχυρὰ λαί-
δουν ἀπὸ τοῦ Κυρίου Ἰησοῦ Χριστοῦ,
Ἰησοῦς ὁ Χριστὸς ἀπὸ τοῦ Θεοῦ. Ἐξ-
ουσιοῦν δὲ Χριστὸς ἡν ἀπὸ τοῦ Θεοῦ.
καὶ οἱ Ἀπόστολοι ἀπὸ τοῦ Χριστοῦ. Ἐ-
ξουσία ἡν ἀποστόλων ἐξουσία ἡν ἐκ
Θεοῦ. 1. 42.

he also derives the Authority of the *Apostles* them-
selves, from God himself. * The *Apostles* taught us
the Gospel from our Lord Jesus Christ, Jesus Christ
from God. Christ therefore was sent by God; and the
Apostles by Christ; so both missions were orderly ac-
cording to the Will of God. His designed inference
therefore with reference to his Cause was, that
they who had been put in Office by an Authority
so manifestly and nearly derived from God, ought

not to be turn'd out of their Office by a Power that could not pretend
to any such power derived from God at all. In all these gradations,
he supposes none that gave it to the *Laiety*, on which account it is,
that he overthrows all Right they had to claim it. How then can
the *Magistrate* pretend to it?

§ LII.

We draw the
like Inferences
from these Rea-
sonings, in Pra-
ctice, as we do.

Thus then the *Reasons* from our Principles, and therefore sup-
poses them generally known, and as generally granted, even in that
happy Age. That is not all: He pursues those Principles to the
same uses in Practice, that we are making of them now. Do
we cleave to our deprived Fathers, notwithstanding the Lay-depri-

vation? We do therein no more than what he
advises also. * Let us reverence, says he, the Lord
Jesus Christ, whose Blood was given for us. Let
us pay a Veneration to our Rulers; let us honour our
Presbyters. † Let us cleave to the Innocent and Righte-
ous, for these are the Elect of God. Do We complain
of the desertion of our Bishops, and betraying of
the Ecclesiastical Rights, as Schismatical? And
are we deeply concerned at the Consequences
which have followed upon it, destructive to our
Common Religion? And does not he the same?

Your

* Τὸν Κύριον Ἰησοῦν Χριστόν, ὃν
τὸ αἷμα τοῦ ἁγίου ἰδεῖν ἐν-
τιμώμεθα. Τὸς ἀρχιερεῖς ἡμῶν
ἀιδεσώμεθα. Τοῖς ἱερεσὶν τιμωσώμεθα. 1. 21.

† Κολλησώμεθα ἃν τῶν ἀδελφῶν
καὶ δικαίων ὡς τῶν ἐκλεκτῶν
τοῦ Θεοῦ. 1. 46.

* Your Schifism has deprived many, has driven many to despondency, to doubting of Religion, and all of us to grief. I wish we could not also apply his following Words to our present Case: ¶ And yet your Sedition holds on. Do we heartily wish that the Schismatical Rivals would think of Repentance, and returning to their Duty? And how are we therein singular? Does not he recommend the like thoughts to the Schismatics of his own time? These are his words. * You therefore who have laid the Foundation of the Sedition, be subject to the Presbyters, and be disciplined to Repentance; bending the knees of your heart, learn to be subject, laying aside the haughty and insolent arrogance of your Tongue. How worthy are his following Words of their Consideration? ¶ For it is better for you to be little, and of good Repute in the Flock of Christ, than seeming to have prebeminence to be cast off from his hope. Let them never complain of the severity of our Censures, when they find this Holy unconcerned Apostolical Fellow Labourer of St. Paul, judging as hardly in a parallel Case. We here see, that he thought such Schismatics out of the Flock of Christ, and cut off from his hope. He elsewhere adds, with reference to the same Case, and the same Persons, † Christ is of those Who are humbly minded, not of those who exalt themselves over his Flock. Plainly denying them any interest in Christ, whilst they continued in that condition impenitent, that is, whilst the Rivals hold their Schismatical prebeminence. He tells us, that * it is no small crime, if we cast them out of their Bishoprick, who have offered their Sacrificial Gifts unprovably and holily. He accordingly adds; † It becometh us therefore, Brethren, to cleave to such Examples. For it is written, Cleave unto those who are holy, for they who cleave to them, shall be made holy. And again, in another place, he says, with the innocent thou wilt be innocent, and with the perverse thou wilt be perverse. He supposes no Holiness reputed by GOD for such, but in the true Communion. Thence he adds,

L

* Τὸ σχίσμα ὑμῶν πολλὰς ἀνθρώπων, πολλὰς οἰς ἀδυναμία ἔσται, πολλὰς οἰς δυσπιστίαν, τὰς πάσας ἡμᾶς οἰς λύπην. *ibid.*

¶ Ὁ ὁπίσταντο ὑμῶν ὅταν ἡ σέσις. *ibid.*

* Τῶντις ὅς οἱ τὸ καθ' ἑαυτοὺς ἐκείνους ποιήσαντες, ὑποτάσσονται τοῖς πρεσβυτέροις, καὶ διδασκάλους τῆς καρδίας ὑμῶν, μετὰ φόβου καὶ ὑποταγῆς, ἀποθέμενοι τὴν ἀλαζονείαν καὶ τὸν ὑψηλόν, καὶ ὁμιλοῦντες ὑμῶν αὐτοῖς. *ibid.* n. 37.

¶ Ἀποστρέψαντες γὰρ ὅταν ὑμῶν ἐκ τῆς κοινῆς τοῦ Χριστοῦ μετὰ τῶν ἁλλοτρίων ἐκείνους, ἢ καθ' ὑποταγῆς δικαίως ἐκείνους ἐν τῇ ἐκκλησίᾳ αὐτῇ. *ibid.*

† Ταπεινοφρονέτω γὰρ Χρὶς ὁ Χριστὸς ἐκ ἐταπεινῶν καὶ τῶν ταπεινῶν αὐτοῦ. n. 16.

* Αὐτίς, ὅς ἡ μετὰ ὑμῶν ἔσται, ὅταν τὰς ἀρχαίας καὶ ὁσας συνετηγόρησας τὰς διὰ τῆς ἐκκλησίας ἀποδείξωμεν. n. 44.

† Τοῖς τοῖς ἐν ὑποταγῇ καὶ ἡμᾶς οἰς, ἀλλοτρίους, ἡμεῖς γὰρ καλλῶμεν τοῖς ἀρχαίοις, ὅτι οἱ καλλῶμεν αὐτοὺς ἀρχαίους, καὶ πάλιν ἐν ἑτέρῳ τῷ πτωχεύειν μετὰ ἀνδρῶν αὐτῶν αὐτῶν. ὅς οἱ μετὰ τῶν ἀρχαίων. n. 46.

* L

* Καλλιστοις ἐν τοῖς ἀδελφοῖς
καὶ δίκαιοις οἰοῖ ὅτι οὗτοι ἐκλεκτοὶ
τῶ Θεοῦ. π. 46.

† Ἰσα τί ἔστιν, καὶ θυμὸς, καὶ
δυσχερεῖς, καὶ ῥήματα, πάλαι
† ἐν ὑμῖν; ἢ καὶ Ἰσα διὰ τὴν ἡγε-
μίαν, καὶ Ἰσα Χριστὸν, καὶ ἐν τῇ αἰ-
ματὶ τοῦ ῥαββί, τὸ ἐκκεῖθεν ἵσχυος;
καὶ μὴ καλῶς ἐν Χριστῷ. Ἰσα τί
δυσχερεῖς, καὶ διασπῆρας τὰ μέ-
λη τοῦ Χριστοῦ, καὶ ἐκκαλεῖσθαι ὡς
τὸ σῶμα τὸ ἴδιον, καὶ οὐκ ἐκκαλεῖσθαι
ἀλλήλους ἱερῶς, ἀλλὰ ὡς ἐκκαλεῖσθαι
ἑαυτοὺς ὅτι μέλη τοῦ σώματος αὐτοῦ;
καὶ οὕτως.

* Τίς ἐν ὑμῖν ἀγαθός; τίς
ἐυπλαγῆς; τίς πολλὰς ἐο-
ρημίας ἀγάπης; Ἐστάντω. Ἐ-
ὰ ἡμεῖς αἰσῶς, καὶ λέει, καὶ ῥήματα,
ἐκκαλεῖσθαι, ἀπειμῶ, καὶ ἵνα βέλῃται,
καὶ τοῖς τὰ προσημασμένα ὑπὸ τοῦ
πλάστου, μόνον τὸ ποιῶντος τοῦ
Χριστοῦ ἐκκαλεῖσθαι μὴ τὴν καθ' ἑαυ-
τὸν Προσημασίαν. Τὸ ἐκκαλεῖσθαι
ἡμῶς ἑαυτοὺς μὴ καλῶς ἐν Χριστῷ
ἀποκατεῖναι. π. 54.

3. Ch. 13. p. 197.

Condescension?

† Mistake of the Design of Clement, discover'd since by the Vindicator, may be presumed, by this time to be sensible, now much it is more proper to make such Addresses to his Fathers, than ours. He must, at least, acknowledge the making them so, to be more agreeable to the Design of St. Clement.

* Let us cleave therefore to the Innocent and Righteous, for those are the Elect of God. One of the Privileges of the Piculum, is to be the *Elect Generation*. So that in confining the Elect of God, to the true Communion, he must necessarily be supposed to confine the *Piculum* to it also. His following Exhortation therefore *fits* our Circumstances, as well as it did his. † Why are there Strifes and Angers, and Divisions and Schisms, and War among you? Have we not one God, and one Christ, and one Spirit of Grace that is shed upon Us? And is there not one calling in Christ? Why do we draw and tear asunder the Members of Christ, and foment Seditions against our own Body, and come to such Madness, as to forget that we are Members of each other? May this Pathetical Exhortation of so great a Person, prevail with our Brethren to study some Expedient for securing our Ecclesiastical Liberties, and healing the Breach they have been driven into by Carnal Politicks? What a Glory would it be to them who are principally engaged in it; to do what he invites them to? * Who is there among you Generous? Who is Merciful? Who full of Charity? Let him say, If the Sedition and Strife and Schisms be for my sake, I depart, I go away, where you please, and do whatsoever is required by the Multitude. Only let the Flock of Christ have peace with the Presbyters, who are set over it. He who would do so, would gain to himself great Glory in the LORD. How much would it advance their Honour here, and their Peace hereafter, if they would turn their Emulations for Prebeminence, into those more Noble ones of Humility, and Peace, and Condescension? The worthy Doctor, since his ingenuous owing his

Thus

Thus it appears, that by the Principles, even of the *Apostolick Age*, no *Laiety* whatsoever can pretend to any direct Power over our Ecclesiastical Government, with regard to their purely Spiritual and Ecclesiastical Rights. I now proceed to shew 4thly, that they cannot now pretend even to an indirect Power (such as I shewed that *Princes* might pretend to then) of depriving our Bishops with regard to Conscience. For neither of the reasons given there, will hold her. They cannot make their Right impracticable now, as they could do then, by excluding them from any particular place, from which it is in their Power to exclude them. Their Consecrations and Eucharists are not now confined to Cathedrals, as the *Sacerdotal Acts* of the Jewish Priesthood were to the Temple, but are equally valid, where ever they are exercised within their ow Jurisdictions. This hinders them from being perfectly useless when they are excluded from Cathedrals. Nor has GOD fixed upon any particular Places, to which he has confined his own acceptance of them under the Gospel. But as we have seen from Ignatius, (for I now descend no lower) the one acceptable Altar now follows the one Bishop, not the Bishop the Altar. This hinders the Additional Right formerly accruing to a Possessor, purely on account of his Possession, which was then sufficient to make a Possessor's Right better, which without Possession, would have been worse than that of an excluded Predecessor. Nor indeed is there that Reason now, as was then, to expect that GOD should confine the Exercises of the Evangelical Priesthood to a particular place. Their Religion then was confined to a particular Nation, and was part of the National Constitution, as it was Theocratical. There was therefore all the Security given that Laws could give, that their Princes should always Patronize it. One of another Nation was incapable of the Office, any other way than by Conquest. And that did necessarily suppose the Subversion of the Laws themselves, and therefore of all the Security that could be given by Law. But the Evangelical Priesthood was first instituted by Christ, and settled by the Apostles, in a time when the Kings of the Earth stood up, and the Rulers were gathered together against the Lord, and against his Christ, Acts IV. 26. Not only without the consent of, but in opposition to all the Civil Powers then being. And therefore to have made it depend on the Pleasure of the Magistrate then, had been perfectly inconsistent with a Design of securing and perpetuating it. And that could not have been avoided, if it had depended on any thing that was in the Power of the Persecuting Magistrate. It was instituted and established under actual and violent Persecutions, and therefore must have been fitted with Provisions that might enable it to subsist under a state of Persecution, by a Power perfectly dis-

§ LIII.

The Laity cannot now pretend to any Indirect Right of depriving Bishops, as the Jewish Princes could in the Case of the Jewish Priesthood.

tangled from the *Secular Power*. To this it was requisite, that it should be under no obligation of *Conscience*, to depend on any thing that was in the *Power* of the *Persecuting Magistrate*, as it must have done, if it had been obliged by *GOD* to any one particular *Place*. It was also requisite, that this *Priesthood* being constituted by *GOD* as the *element* of a *Spiritual Society*, all that was requisite for managing that *Society*, should have been by *God*, (who was pleas'd to found that *Society*) conferred on the *Priesthood*, as its *Right in Conscience*, and therefore by the same *Divine Power* exempted from the *Right* of the *Civil Magistrate*. For all that this *Priesthood* could have to recommend *Duty* to the *Consciences* of its *Subjects* in a state of *Persecution*, was only its *Sacredness*, and the *Obligation* that lay on *GOD* to ratify his own *Act*, in inflicting the *Censures* denounced by it against *refractory Persons*; and therefore they must be very well *satisfied*, that the *Censures* were denounced by one to whom *GOD* had given a *Lawful Authority* to denounce them. Otherwise, they could not think *GOD* obliged to ratify them. And for this it was absolutely requisite, that they should believe the *Magistrate* to have no *Right* in those *Cases* wherein those *Censures* were concerned. Otherwise, they could not think *God* oblig'd to ratify them, if they had been *Invasions* of the *Right* of the *Magistrate*. But the *Districts* were then absolutely necessary for making the *Churches Censures*, as settled out by *Lord* and his *Apostles* practicable. By them the *Bishops* knew what *Persons* were liable to their particular respective *Jurisdictions*. By those the *Subjects* also knew the particular *Bishops* to whose *Censures* they were obliged to pay a *Deference*. If the *Bishop* had censured *Persons* not belonging to his *Jurisdiction*, by the settlement then made by the *Apostles*, they could not think *GOD* obliged to second him in his *Usurpations*, and therefore could be under no *Obligation* to regard such *Censures*. It was therefore absolutely necessary that the *Right* of *Preaching* the *Gospel*, and settling *districts*, without the leave of the Possessing *Magistrates*, must by *GOD* have been made the *Right* of the *Ecclesiastics*, in reference to *Conscience*, and therefore could not at the same time have been the *Right* of the *Civil Magistrate*. What then will become of the *Doctor's* imaginary *Contract*? *Bellarmino* fancies, that when the *Magistrate* was baptized, he also was supposed to make an implicate *Contract* with the *Bishop*, that his *Crown* should be at the *Bishops* disposal, whenever the *Bishop* should judge that his holding it would be inconsistent with the *Churches Interest*. This is as reasonable as the *Doctor's* pretended *Contract*, that on consideration of the leave allowed by the *Magistrate* for *Preaching* and settling *districts* in his *Dominions*, the *Bishops* make

Bellarmino de Rom.
Pontif. lib. V.
 • 7.

Letter to
End. p. 20.

an *implicit contract* with the *Magistrate* that they will submit to be *deposed* by him. when he shall judge their holding their places hurtful to his *Worldly Interests*. If either of these *implicite Contrasts* would hold *Bellermines* is the more *likely* of the two, that the *lesser Worldly Interests* should give way to the *Spiritual*. But from what has been said, it appears that the *Right* of making *Dioceses*, was a *Right* inseparable from the *Authority* given by *GOD* for making, and governing *Profelytes* all the *World* over. If therefore it be not the *Magistrates*, but their own; what reason have they to make any, however *implicite Contrasts*, for that which is their own already?

The *Magistrate* therefore cannot, by the *Constitutions* of the *Gospel*, pretend to any *Right*, whether direct, or indirect, for *depriving* our *Bishops* of their *Spiritual Power*. This our *Adversaries* themselves do not deny, where the *Causes* pretended for their *deprivation*, are purely *Spiritual*. But where the *Case* is *Temporal*, as it is here in our *Fathers* *Case*, there they think that the *Magistrate* may punish them, not only by *Secular Punishments*, but by *Deprivations*, as to the exercising of their *Spiritual Rights* in *Dioceses* contained within his *Dominions*. But all that can fairly follow from their *Crime* being *Secular*, is no more but this, that it properly belongs to the *Cognizance* of the *Secular Magistrate*, and is therefore justly *punishable* by them who have a *JUST TITLE* to the *Supream Secular Authority*. That is, in such a way of *Punishment* as properly belongs to the *Right* of the *Magistrate*. And we allow that to extend as far as the *Secular Honours*, and *Revenues*, by the *Secular Laws* annexed to their *Office*, nay to their *Persons* also, as to what is *Personal* to them. This is perfectly sufficient to secure the *Magistrate* (in *Case* not only a *single Bishop*, but the *whole Synod*, should prove guilty of *violating* their *Duty* to him) whatever the *Doctor* pretends to the contrary. But that this will give him any *new Right* of *punishing*, which he cannot pretend to by the *Nature* of his *Office*, our *Adversaries* have not yet pretended to prove. Till they do so, or till they Answer what has now been produced to prove the contrary, that his *Right* of *Magistracy* does no way reach the *Spirituals* of our *Bishops*, no nor their *Right* to exercise them in *Jurisdictions* contained in his *Dominions*; we may as easily deny, as they assert, that *Power* of *Deprivation*, by them ascribed to the *Magistrate*. One would think, that when we have proved the *Nature* of the *Spiritual Power*, such as that it is not in the *Power* of any but *GOD*, or those *Authorized* by *GOD* for this purpose, to *deprive* them of that *Power* who have once received it; and that neither the

§ LIV.

Our Reasoning
against the Ma-
gistrates Right
of deprivation in
Spiritual proceed
Universally, and
therefore in Case
of Temporal
Crimes, also the
owning such a
Power would
have been Perni-
cious to the Prim-
itive Christians
also, who were
charged with
Temporal Crimes.

things.

things themselves transacted by the *Spiritual Power* are in the *Power* of the *Magistrate*, nor that *GOD* has given the *Magistrate* any *Authority* to represent him in these matters, which may oblige him to ratify in *Heaven* what the *Magistrate*, in his name, pretends to Act on *Earth*: It should unavoidably follow that the *Magistrate* has not this *Power* at all, which if he have not in *general*, he cannot have in *this*, nor in any other particular *Case* assignable by our Adversaries. Why are they therefore so unreasonable as to expect, after we have disproved this *Power* in *general*, that we must be put to the further trouble of disproving it in a particular *Case*? They themselves can easily perceive the partiality of their demands in other the like *Cases*. They who, on the other side, are for the encroachments of the *Clergy* upon the *Rights* of the *Magistracy* in order to *Spirituals*, in *Case* of *Heresy*, do so far proceed successfully, when they shew that *Heresy* is a *Crime* properly cognizable by the *Spiritual Judicatories*, and that *Magistrates*, as well as others, are *Subject* to such *Judicatories* in matters purely *Spiritual*. But then the consequence would only be, that a *Magistrate*, so convicted of *Heresy*, might by such *Spiritual Judges* be deprived of his *Right* to *Communion*, and consequently of all the *Spiritual Rights* and *benefits*, to which he is entitled as a *Member* of the true *Communion*. This is the utmost that *Spiritual Judges* can pretend to, or wherein they can expect that *GOD* will second and ratify their Determinations. But when they proceed further to forbid all *Civil Conversation* with the *Magistrate*, to deprive him of his *Civil Rights*, to absolve his *Subjects* from their *Duty* of *Civil Obedience*: These are consequences, which I believe our Adversaries will not defend. Yet how they can avoid being obliged to it, if they will be true to the Consequences of their reasonings in this *Case*, for my part, I cannot understand. For why may not the Church assume a *Right* of punishing *Temporally*, a *Crime* that is really allowed to be of *Spiritual Cognizance*, if the *Magistrate* for a *Temporal Crime*, may inflict a deprivation of *Spirituals*? I do not now insist on what we have to say, as to the validity of the Sentence given against our Fathers, in respect of the *Temporal Authority* that can be pretended for it. However, that is, at least, sufficient to show, that it is only the Judgment of those, who have given Judgment against them, that they had even *Temporal Authority* sufficient for it. And if the *Secular Powers* may deprive *Bishops*, for any *Crime*, which they who deprive them, shall be pleased to call *Temporal*; and if we also, are obliged to think such deprivations sufficient to discharge Us from the *Duty* we owe them, with regard to our *Conscience*: I cannot see how the *Primitive*

even Christian Bishops could have escaped such deprivation. *Julian* the Apostate pretended *Temporal Reasons* for most of his *Persecutions*; purposely to hinder the *Sufferers* from the *Glory of Martyrdom*. And even in the *earlier Persecutions*, *Secular Crimes* were imputed to the *Christians*. That was the Case when the *Burning* of *Rome* was charged upon them in *Nero's* time, and the *burning* of the *Palace* at *Nicomedia*, in *Diocletian's*; when the *Stories* of the *Dog* and *Candle*; and *Oedipodean insects* and the *Mothers* of *Children*, were pretended to be proved against them, by the extorted confession of some *Slaves* in the time of *Marcus Antoninus*. Their very *Meetings* came under the *Laws* of *Sodalitij*, and *de Heterijs*, and *de Factionibus*. And their refusing to *Swear* by the *Genij* of the *Emperors*; or to *Sacrifice* for them, were by the Interpretation of those times reducible to the *Laws* of *læsæ Majestatis*, which we call *Treason*. Will our adversaries therefore grant that, on these accounts, those *Pagan Emperors* might have *deposed* the *Christian Bishops*, and *Absolved* their *Subjects* from their *Duties* in *Conscience* owing to them? If they will, we are very sure our glorious *Ancestors* of those *Ages* were not of their mind. And let our *Adversaries* themselves judge, whether we have most reason to follow, as *Guides* of our *Conscience*. Besides the *Advantage* the *Primitive Christians* had for knowing *Tradition* better, this was also a manifest one; That our late *Brethren's Practice* goes along with their *Worldly, Interests*, and indeed never began, till motives of such *Interest* inclined them to it; but the *Practice* of the *Primitive Christians* was directly *contradictory* to such *Interests*.

But the strangest Answer of all is, That our *Adversaries* cannot yet be persuaded that our *H. Fathers* *Spiritual Rights* have yet been invaded by *secular Force*. As this way of defence signifies their *unwillingness* to undertake the *Patronage* of such *Invasions*, I confess, I am not a little pleased with it, in regard to the *Liberty* it may allow them hereafter, if *GOD* shall be pleased to turn our *Captivity*, to defend the *Rights* of their own *Function*, when they may be defended without danger. And I do not know why, even now, the *Clergy* should be forward and *Active* in promoting a *Casuistry* that may *absolve* the *Magistrate* from the *obligation* incumbent on him in *Conscience* for their *Protection*. But it is a strange degree of *Confidence* to deny the *Fact*. Had they not set up *other Bishops* to exercise *Spiritual Power* in the same *Jurisdications*, they might indeed pretend to it. But having done so, it is from thence we date their *Schism*. Nor do I see, how they can avoid the *Charge* of it. For if the *Spirituals* of our *Fathers*

§ LV.

The *Spiritual Rights* of Our *Fathers* have been now invaded by *Civil Force*. Bare *Characters* without *Districts* not sufficient to preserve the *Church* as a *Body*.

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be yet *untouched*, then they must still have the same *Right* over those same *Jurisdictions*, as to *Spirituals*, as they had, and as was own'd by our Adversaries themselves formerly. If so, their *Rivals*, exercising *Spiritual Power* in the same *Jurisdiction* without their leave, must be look'd on as *Intruders* of their yet *untouched* uninvaded *Spiritual Rights*. If so, they must, in the Language of St. Cyprian be *separati*, be *alieni*, be *non secundi, sed nulli*. Not barely on the Authority of that Holy Martyr's saying, but as the *Vindicator* proved, from the *Nature* of the *Spiritual Monarchy*, which allows no more than *one* at *once*, without *consent*, to have a *Right* within the same *Jurisdiction*. It is very plain from hence, that their *Right* to their particular *districts* and *Jurisdiction*, even as to *Spirituals*, is actually invaded by their *Intruders*. And we have now, and so had the *Vindicator* formerly, shewn the settling of *districts* in order to *Spiritual Jurisdiction*, to be a *Right* of the Church, independent on the Favour of the *Civil Magistrate*. We have shewn that the Church, as well as the State, was by *CHRIST* and his *Apostles* made a *visible Body*, and that their way of knowing the *visible Governours*, and *Subjects* of this *visible Body*, was, even from the *Apostles Time*, taken from the extent of those *visible Districts*; that they who lived in these *districts*, were all *Subjects* to the *Governours* of the *districts*, and that the *Governours* of those *districts* as to *Spirituals* were the particular *Governours* to whom the *Christian* inhabitants of those *Districts*, ow'd *Obedience* as to *Spiritual*: That whatever *Right* the *Magistrate* had formerly, that might seem *inconsistent* with these *Rights*, was by *GOD* himself taken away from the *Magistrate*, in order to the making this way of propagating the Gospel, *Practicable*; yet so, that *Power* enough was still left for securing the *Authority* of the *Magistrate*, as to *Temporals*: That the first *Christian Magistrates*, found the Church possessed of these *Districts*, and the *Bodies* of the *Christians*, in the several *Districts*, possessed also of the *Opinion* of the *Independency* of those *Districts*, as to *Spirituals*, on the *Civil Magistrates*; which they had always made appear, in all Difference between the *Magistrate* and the *Bishops*, by their unanimous adherence to the *Bishops*, as to *Spirituals*: That therefore those *Districts*, as to *Spirituals*, were never derived from the Favour of the *Magistrate*, and therefore not obnoxious to his disposal. Here therefore this whole Dispute is reducible to a short Dilemma. If the presumed *Magistrate* has not invaded the *Spiritual Districts* of our *Fathers*; then the *Intruders* are *Schismatics* for intermeddling with those *Rights* which their *Predecessors* are not deprived of. And all others also must be *Schismatics* who own and *Communicate* with the *Intruders*. If the *Rivals* be not *Intruders*, they must needs say that the *Predecessors* have

have *lost* their *Right*, even to those *Diſtricts*, as to *Spirituals*. And how they should come to *lose* it but by the *Sole Act* of their *Magistrate*, I know nothing that our *Adversaries* can pretend. There is manifestly no *Act* of the *Church*, that they can so much as pretend for it. Their *Character*, they say, is not yet touched. No wonder it should not, since the *Schoolmen*, from whom they borrow the term of *Character*, hold *Characters* to be *indelible* by any *Human Authority* whatsoever, not only *secular*, but *Ecclesiastical* also. However all the *Use* our *Adversaries* make of their remaining *Character*, is only to make them *restorable* to their old *Jurisdictions*, without a new *Consecration*; and in the *mean time*, to legitimate some *Acts* of *Episcopal Power*, which must no be supposed to depend on a relation to a particular *Jurisdiction*. But this *Character*, that has no relation to a particular *Diſtrict*, could not be sufficient for preserving *Bodies* (such as the *Church* was designed to be by, them who founded it) in a State of *Independency* on the *Civil Magistrate*; *Bodies*, as then understood by the *Ecclesiasticks*, being determined and distinguished by such *Diſtricts*. The allowing therefore the *Heathen Persecuting Magistrates* a Power of dissolving the relation of all the *Bishops* of their *Dominions*, to particular *Diſtricts*, had perfectly dissolved all particular *Churches*, as *Bodies*, when the *Magistrate* was pleased to dissolve them; and therefore cannot be agreeable to the design of *CHRIST* and his *Apostles*, who intended to perpetuate *Churches*, as *Bodies*, independent on the *State*. And it is certain, that this Power of discharging *Ecclesiastical Governours* from the *Diſtricts* in their own *Dominions*, was not own'd in the *Civil Powers* by the *Apostles* and earliest *Christians*. Had it been so, the *Apostles* themselves must have quitted *Jerusalem*, when they were forbidden by the *Sanhedrim*, and sought out other *Converts* and *Diſtricts*, wherein they might exercise their *Function* and *Character*. But where could they seek or find them, but the same *Objection*, would still recur from this *Right* of the *Civil Magistrate*? There must therefore have been no *Churches* in the *World*, if this *Doctrine* had been allowed of. But it is certain, that the *Apostles* did still challenge and exercise their *Jurisdiction* in *Jerusalem*, and were own'd and seconded in doing so, by the *Christians Inhabitants* of that *City*, against all the *Persecutions* of the *Magistrate*, and were all of them own'd by *GOD*, by the *Credentials* that followed them, which could never have been, if these their *Practices* had been *Usurpations*. And all the *Right* that *Bishops* then had for obliging the whole *Catholic Church*, was grounded on the commerce of *Communicatory Letters*, and the *Common interest* of all, to ratify the *Acts* of particular *Diſtricts*. Thence it appears, that all exercise

of *Epicopacy*, as *Catholick*, was grounded on the *Right*, each *Bishop* had to a particular *District*. So vain are our Adversaries pretences for making our Bishops, *Bishops* of the *Catholick Church*, though *deprived* of *Districts*, in order to the exercising any *Episcopal Act* for preserving the Face of a *Body*, under a *Persecution*.

§ LVI.

Supposing the Church and Christian State had made one Body, yet more had been requisite to make that Supposition applicable to our present Case, which is not yet taken notice of.

But the Principle pretence of all that our Adversaries insist on, is, That in those earlier times, the Church was indeed a *Society* distinct from the *State*, and whilst it continued so, the *deprivations* of the *State*, could therefore not extend to *Spirituals*, which were the constituents of the Church as a *Society* distinct from it: But that there is no necessary consequence, because it was so then, that therefore it *must* be so now: That the Reasoning from the *Sense* and *Practice* of those *Times*, does indeed hold where the *Case* is the same as it was then, That is, where the *State* consists of *Infidels*; but not in ours, wherein the *State* professes the *Christian Religion*. This is suggested by the worthy Author of the *Defence of the Church of England*, as he calls it, from the *Charges* of the *Vindicator*. And he has therein managed the Reasoning Part of this Dispute better than the Doctor, in that he has pitched on the particular Proposition, which he thinks needs further proof in the Scheme of the *Vindicator*, seeming withal to allow that if this also be cleared, the rest of the *Vindicator's* Proof will hold, as being firmly superstructed on it. This therefore brings the Question to a short issue, and affords a further Subject of useful Discourse, for improving what has been said already, and I therefore return my hearty thanks to that Author for it, only wishing that he had allowed himself a larger Scope for making that out, which if proved, would have been so very considerable for his purpose. Supposing he had proved his Assertion true, yet other things, remain'd to have been proved further, for making it applicable to our present Case. Something more had certainly been requisite for his purpose, than barely to suppose the *Magistrate* barely *Christian*. He might easily have foreseen that, even among *Christians*, there are different *communications*, on account of *HERESY* and *SCHISM*. If the *Magistrate* therefore be guilty of either of those, he is as *incapable* of *Uniting* with the Church in one *Communion*, as if he were an *IDOLATOR*. And I suppose all the ground that worthy Person has for making a *believing Prince's* Case different from that of an *Infidel*, in order to the Church's coalition into one Body with the *Society* that is governed by the *believing Prince*, must be the Church's Union in *Communion* with him, which it cannot have with an *Infidel*. For that *Political Union*, which is requisite for

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Secular Government, as far as it is consistent with *difference in Communion*, as to *Spirituals*, the *Orthodox* are as capable of maintaining with *INFIDEL* Princes, as they are with either *HERETICKS*, or *SCHISMATICKS*. And for applying that Case, he might have considered further, how far *Communicating with Schismatics* in other places, and *setting up Schism* where he found the *true Communion* established by *Law*, and allowing no *Patronage of Law*, without *Schismatical conditions*, may go to prove a *Prince's Case SCHISMATICAL*. Then supposing the *Church* and *State* united into *one Society*, he should have enquired further, why this *Union* must rather be under the *Secular*, than the *spiritual*, common *Monarch*. This, I am sure, is against the *General Rule of Subordination*, to make the *more Noble Power* Subject to that which is *less* so; and therefore ought to have been proved by reasons *peculiar* to this particular coalition of two *Societies* into *one*. Such *peculiar Reasons* I doubt are more then ever we can expect from him. But supposing both these difficulties surmounted, that the *Church* had a *Prince* of *one Communion* with her, and that the *two Societies* now united, were to be Governed rather by the *PRINCE*, than the *METROPOLITANE*; Yet still another *Question* remained worthy his Consideration, *how long this Union was to hold? Irrevocably*, then the *Church* would be left destitute of a *Power*, necessary for her *subsistence*, whenever the *Prince* should *Apostatize to Infidelity*, or an *Infidel* should succeed him by the *Rules* established for the *Succession*. If therefore the *Church's Power* be granted *revocable*, the Enquiry then would be, whether the *Grant* can in *reason* be supposed to hold any longer than the *Prince's Protection* of her. If so; then whether, when he *revokes his Protection* granted on *Conscionable terms*, and *Persecutes his Fellow Brethren*, for no other reason, but for being *true to the Principles* of the *old communion*, this be not the very Season wherein they are, in *Conscience*, absolved from their *old Grants*, and are perfectly free to *resume their old Spiritual Liberties*? I know our *Adversary* will understand me, without any further application.

These things, I say, had been requisite to make his *Doctrine Practicable*, if it had been *proved*, and proved as well as himself desires to prove it. But, for my part, I am perfectly of the *Vindicator's* mind, nor do I see any reason to doubt but that his *whole Proof* will hold, if this be the *only suspicious Proposition* concerned in it. I see no reason, why the *Church* should *lose her Liberties*, or *Princes gain more Power* by their *Conversion*, than they had *before*. The Nature of the thing, does not the least require it. *Princes*, when they are received

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§ LVII.

The Prince in account of his being only a Christian, has no Title to any Spiritual Authority.

into the Church's Communion, are received, as other Laicks are, by Baptism; which can therefore intitle them to no more Power, than other Christians, who are admitted into the same Society, the same way, as they are. As therefore Baptism alone confers no spiritual Authority to others, no more it can to the Prince, who has no Preheminence above them, on this account. When therefore he is baptized, he still remains, in reference to spiritual Power, no more than a Private Person, as all others do, who have no more spiritual Authority given them, than what is conferred upon them in their Baptism. How then comes he by this Power in Spirituals, which our Adversaries challenge for him? All our forementioned Reasons proceed as validly against his claim of spiritual Power, whilst he continues only a Layman, tho' Baptized, as they did before his Baptism. Still, the spiritual Power is grounded on the Power of rewarding and punishing Spiritually, by admitting to, or excluding from, the Spiritual Benefits of the Society. Still, the Power of that admission to, or exclusion from, those Benefits, depends upon the Power of the Incorporating Rites; which being granted, admit into the Body, or if denied, exclude from it. Still the Incorporating Acts, are the two Sacraments, as we are Baptized into, the spiritual Body, and as we are made one spiritual Body, by our partaking of one Bread: So that none can have the Power of these Incorporating Acts, who has not the Power of Administering the Sacraments. Still, the Power of Administering the Sacraments, is proper to the Evangelical Priesthood; and it is still, as unlawful for Princes to invade the Sacerdotal Offices, as it was under the old Law, when the Prince was obliged to be always of one Body, with the Priesthood, in reference to Religious Acts of Communication. Still, the Reasoning of St. Clement holds that Laymen are only to meddle with Acts properly Laical, and proceeds with more Force than in the Case wherein that Holy Apostolical Person used it. The Gifted Laicks had been Baptized as well as our Believing Princes, and in that regard were every way Equal with them. But as they were endued with Spiritual Gifts, they were better qualified for extraordinary Calls to Acts of sacerdotal Power, than Princes can be by any Pretensions to, or Advantages of, Worldly grandeur. Baptism indeed makes the Prince and the Church one Society, as the Prince is thereby incorporated into the Privileged Society of the Church, But then, this Baptismal Union is rather of the Prince to the Bishop, than of the Bishop to the Prince, and therefore on the Bishop's terms, not the Prince's. How then can the Prince's being receiv'd into the Church as a private Person, and as a Subject to the spiritual Authority, intitle him to any of that same Authority, to which by his Baptism, he

he professes his *subjection*? He is indeed so far from being a *Publick Person* in his *Baptism*, that the *Obligation* and *Benefit* of his *Baptism*, are wholly *Personal* to himself, none of his *Subjects*, being in the least, concerned in it. If he had acted as a *Publick Person* in it, his *single Act* had obliged all his *Subjects*, and would have consequently intitled them to all the *benefits* of his *stipulation*. But this is more than our *Adversaries* will pretend in this *Case*. How then can an *Act* purely *Personal*, intitle him to an *accession* of *Spiritual Authority*?

Thus far therefore it is certain, that a *Prince's* admission into the Church, is not alone sufficient for a *Coalition* of the *State* into *one Body* with the Church, because that *other Body* of the *State*, whereof he is *head*, is not the least concern'd in this *Act* of his as a *Private Person*, not as a *Publick*, much less as a *Head* of any *Body* at all. Suppose we therefore the *generality* of a *State* converted and *Baptized* also. This will indeed make them *one Body* with the Church. But on the same terms as it made the *Prince* one, that is, on the Church's terms, not on theirs: That is, by so many repeated *Personal Acts* qualifying them for, and receiving *Baptism*, as there are supposed to be *particular Persons* in that whole *Secular Society*, and as so many *private Persons*, not as invested with any *publick Authority* in *another Society*. Still, therefore, *Proselytes* of that kind, how numerous soever, can never hurt the *Authority* of that *Society*, into which they are *Incorporated* only, as so many *private Persons*. A whole *Nation* therefore, how populous soever, coming in on these terms, cannot change the *Spiritual Society* from what they find it: They add to the numbers of the *Subjects* of the *Spiritual Society*, and in that regard, should rather *advance*, than *diminish*, the *Authority* of that *new Society* into which they are *Incorporated*. And as their *accession* to the Church cannot make any *change* in the *Government* of the Church, so neither in their *own*. Their *admission* into the Church being only the *Act* of so many *private Persons* singly considered, can therefore not concern them as a *Society*, can therefore no way affect them as *publick Persons*, and as concerned for the *Government* of the *Society*, into which they were *Incorporated before*. There is therefore on neither side any *explicite* renunciation of *ancient Rights*, nor yet by any *fair Interpretation*. Their *coalition* into *one Body* with the Church, does not *dissolve* the same relation they had formerly to *different Societies*, on different considerations. The *Bishop*, though he act the part of a *Publick Person* in admitting them into his *own Spiritual Society*, does not thereby put off his former *Subjection* as to *Temporals*, nor acquire any thing

§ LVIII.

A whole Nation, by Baptism, may be made one Society in the Church, without prejudice to their being still a Society distinct from it.

thing inconsistent therewith. Nor does the *Magistrate* by his *Subjection in Spirituals*, profess any thing not fairly reconcilable with his *Temporal Sovereignty*. Their *coalition* therefore into *one Body*, is very well consistent with their still continuing as *distinct Societies* as they were before. Nor does our worthy *Adversary* object any thing to prove the contrary, but that upon *Conversion* and *Baptism* of the *Seculars*, the *Church* and *State* consist of the *same Persons*. How should the *Church* and *State* make *Two distinct Societies*, says he, where the *Church* and *State* consist of the very same Persons? The very same way, say I, as our *K. EDWARD* the III. was, at the same time, a *SOVEREIGN* of *England*, and *SUBJECT* of *France*, when he swore *homage* to *Philip of Valois* for his *Dominions in France*. Yet who doubts but *England* and *France* were then two *distinct* and perfectly *independent Societies*? The same way as the *BISHOP* himself was the *Head* of the *CHURCH*, and yet a *Subject* of the *STATE*, therefore a *Member* of *BOTH Societies*, antecedently to any such *Conversion*, or any Pretence that could be therefore made, for a *coalition* of both into *one Society*. *Conversion* therefore, thought it bring all Persons into *one Society* of the *Church*, yet does not hinder but that the *Two Societies* of the *Church* and *State*, continue as distinct from each other as formerly, whilst the same things remain that made them *two Societies* formerly. And *Conversion* do not hinder but that they may still remain so. Still, the *Spirituals* and *Temporals*, are as distinct as ever. Still, the same *Right* continue for the *Bishops* to be the *competent Judges* of *Spirituals*, as the *Magistrates* are, of *Temporals*. Still, the same distinction of *Laws* continues, by which the *Two Societies* are governed as formerly. That the *Church* is to be governed by the *Church*, which are made by a *Consent* of the *Ecclesiastics*, and that the *State* is governed by the *Laws*, which receive their *Sanction* from the *Lay-Authority*. Still, the *Independence* continues, that the *Bishops* are as *supreme unappealable Judges* for *Spirituals*, as the *Magistrates* are for *Temporals*. *Conversion* I am sure, do not hinder, but that this also might have remained as it did formerly. For such a *coalition* of the *Two Societies* as our *Adversary* reasons for it, would be necessary that the *Government* of one of the *Secuties* should *surrender*, or acknowledge a *dependence* on the *Government* of the other. But neither of them can be pretended at the *first Conversion* of *Magistrates*. Neither of them now, in the Case of the *Church* of *England*. The name of *Head*, on which our *Adversary* insists, is long ago laid aside by *Q. Elizabeth*. And one of our *Articles* disowns all Pretensions of our *Princes* to the power of *preaching the Word*, and *administering the Sacraments*. This *Article* is ratified, and made *Law* by an *Act of Parliament*. Upon these

these Considerations, we can fairly take the Oath of Supremacy, as thus interpreted by the Legislators themselves, without owning any subjection of the Bishops, as to Causes purely Spiritual, to the Supreme Magistracy, even in England. So far the Church and State are yet, even here, from being made one Society, as our Adversary pretends. The Examples of Bishops taking out Patents for the Right of giving Orders, were, I believe, never known before the Reign of HENRY the VIII. And that I hope our Adversary himself will not plead as a Reign of Presidents. If he do, the Liberties of the People will be no more secure, than those of the Clergy. Nothing was security against him, who made such manifest invasions on the Two Fundamental Securities, MAGNA CHARTA, and his own OATH, taken at his CORONATION. Thus clear it is, that Conversion alone could not make any change in the Rights of Power in Spirituals, of which the Church was possessed before, notwithstanding that the Converts are thereby made one Body with the Church, with which they were not one formerly.

If therefore the Magistracy will lay claim to a Right in Spirituals, it must be on some other account than bare Conversion. That, he must rather lose, than gain by, as I have already shewn, because in his Conversion he comes to the Bishop's terms, not the Bishop to his. Our Adversaries therefore have another Pretence for his Superiority in purely Spirituals. That is, the benefit that the Church enjoys by the Magistracy's favour and protection, the honours and profits annex'd to the sacred Offices, and the security she has thereby against Adversaries, and the assistance of the secular Arm for reducing Rebellious Subjects by secular coercions. For these things they think her oblig'd in Gratitude, to remit some of her former Rights, by way of compensation for them. And this Obligation in gratitude they conceive sufficient to engage her to an implicate and interpretative Contract to continue this remitting of Rights on her part if she will, in reason, expect that the Magistracy shall continue his Favours. But, I confess, I cannot see, proceeding on Principles that must be granted by all who believe Religion, but that the disadvantage will still lye on the side of the Magistracy. For by this way of Reasoning, the implicate Contract for remitting Rights, will lye on that side which is most oblig'd; and that side will appear most oblig'd, which receives more benefit by the commerce than it gives. For this consideration of remitting Right, on account of Gratitude, comes only in by way of compensation for what is wanting on its own side, to make the benefit it confers equal to that which it receives. But I cannot

§ LIX

The Church's Obligations are more necessary for the subsisting of the State, than those she receives from the State are for hers.

not

not imagine how the *Magistrate* can pretend his *Favours* equal to those which he receives by *Religion*, especially the true *Religion*. So far he is from exceeding them, so as to expect any compensation for arrears due to him on ballancing his accounts. It is by *Religion*, and by those *Obligations* which nothing but *Religion* can make sacred and inviolable, that he holds his very *Throne* itself. If he hold his *Throne* by *Compact*, nothing but *Religion* can hold the *Subjects* to the *Contract* made by them. If by any other *Right*, nothing but that can oblige them to pay him that which by any sort of *Right* soever is his due. Where he has no force to exact duty from them, nothing can restrain them but ties of *Conscience*, and nothing else can lay a restraint on their *Conscience* but *Religion*. Where he has a power of *Force*, yet even that is not near so formidable at the irresistible power of *Heaven*, and the fear of future and eternal Punishments. No Considerations but those, can curb them from secret Practices, which oftentimes subvert the greatest Humane Force by degrees insensible, and therefore unavoidable. Nor is any *Religion* so conget on these accounts, as that which is truest and most acceptable to *GOD*. *GOD* may be obliged, by the general Laws of *Providence*, for the general Good of *Mankind*, to inflict *Imprecations* made for securing Faith, even in false Religions. But he is most present at the Offices of his own establishment, and therefore they have the greatest reason to fear them who imprecate in that form which is most suitable to the true *Religion*. No *Religion* so formidable at that which threatens future and eternal Pains in case of Violation. No *Religion* can so well assure Us of the future and eternal State, as *Revealed Religion*. No *Revelation* so well evidenced by *Credentials* attesting it in Ages of *Writings* and accurate *Information*, as our *Christian Religion*. No one *Communion* even of *Christians*, so just and equal against *Invasions* on either side, either of the *Church*, or the *Magistrate*, as that of the *Primitive Christians*; and of these *Churches* which lately came the nearest to those *Primitive*, in those late flourishing *Dominions*. Thus it is every way certain, that the *Church* does more contribute to the security of the *State*, than that secular Protection, which is all the *State* can contribute, does to the security of the *Church*. The *Church* can subsist by her own Principles, if she will be true to them, without the support of external Power. The *State* cannot subsist without Force, nor secure her Possession of a coercive Power, without the support of *Religion*. Thus, even in point of necessity, the *Church* is more necessary to the *State*, than the *State* is to the *Church*.

Nor only so. But the Obligations on the Church's side are greater, § LX.

and more beneficial to the *seculars*, than those of the *seculars* can be to the *Ecclesiasticks*. And this is withal a great consideration in judging concerning the Measures of Gratitude, and the extent of what is to be done, in order to a compensation. The greatness of the benefit on one side, is the principal thing that requires additional Offices on the other side, to make an equality on both sides, which is that which we call a Compensation. Indeed the necessity of it is no otherwise a Consideration in this matter, than as the need we have of a thing adds to the Price expected for it in ordinary Commerce. But the Benefits of Religion are without compare beyond all that can be pretended from the power of the State. Consider we the Supreme Magistrate in his own Person; and all that he enjoys as a Prince, is not to be mentioned with what he may expect as a Member of the true Communion, and a Professor of the true Religion. Our Saviour himself has told us, that his gaining the whole World, is no purchase nor profit, if he lose his own Soul for it, and that nothing can make amends for such a Loss. The Magistrate who believes his Christian Religion true, cannot avoid believing this. And how can he that does so, think the Church in his arrears for his favour and protection? This is, and in reason ought to be, of more consequence to him than his Crown and Scepter, which are a very small part of the purchase mentioned by our Lord, nay, than the flourishing of the whole Community for which he is concern'd. But we may consider him further as a publick Person, inspired with a publick Spirit, and with all that Zeal for the good of his Community, which becomes his noble publick Station. Consider him as divested from all private, though greater interests, in his Acts relating to the publick; yet even so he must believe the whole Society, for which he is concerned, more obliged by being admitted into the true Church, than that any thing that he can do by the power and interest of his whole Society, can ever recompence it. So far he is from any hopes of supererogating and obliging the Ecclesiasticks more than they deserve, though all the favour done, were no more than their admitting his whole Society, into the true Communion. The saving of one Soul is, in our Saviour's now mentioned Doctrine, a greater benefit than what can be performed by the greatest Worldly Power. But the receiving his whole Community into their privileged Society, is a publick benefit to the whole Community, and a benefit of the highest kind, far exceeding that of which a single Soul is capable, which yet is too great for him to hope to recompence. As therefore he is obliged upon account of his Society, to be grateful for kindnesses received from the Church, so he never can hope

The Benefits received by the State from the Church, are also greater than those which the Church receives from the State.

by all the *publick power* of the *Society* of which he is possessed, to make even with the *Ecclesiasticks*. When he has done all he can, his *good will* must by the *Ecclesiasticks* be accepted for his *deed*. How can he then oblige them to any further accounts on their part, that are to be made up by cession of their just *Rights*? Even as to *Temporals*, the whole *Body* of the *State*, and the *Prince* as concerned for the *Body*, are more obliged to the *true Religion*, and the *Society* in which alone it is to be had, than they are ever able to *requite*. Not now to mention the *Temporal Blessings* to which they are hereby intitled, *Godliness* having the *Promises* of this *Life*, as well as of that which is to come; all that *Justice* in *Conversation*, all that *sweetness* and *obligingness* which their *Duty* to *GOD* obliges *Religious Persons* to shew to all with whom they converse; all that *sincerity* and *open heartedness* which makes *Mankind* love, and trust, and please each other, are the most genuine fruits of the *true Religion*, where it is heartily believed and practised. It can therefore be nothing but *inconsiderateness*, and *disbelief*, and *forgetfulness* of the true value of things upon sober consideration, that can tempt the *Magistrate* to think that the *Church* is so over-obliged to him for his *protection*, as to need a *compensation*.

§ LXI.

If the State had been capable of conferring the greater Obligations, yet a good Pious Magistrate could not, in reason, desire such a recompence as should oblige the Church to yield any of her Ancient Rights.

It rather on the contrary appears, that the greatest Obligations are on the Church's side, and that therefore what compensation by cession of ancient Rights, was necessary on account of Gratitude, was rather to be expected from the *Magistrate*. The best and most pious *Magistrates* have always thought so, who were certainly the most competent Judges of matters of Religion. Yet supposing it possible, that the State could supererogate, a pious *Magistrate* would never desire nor accept of such a recompence, as should oblige the *Clergy* to yield their ancient and original Rights, conferred on them by *GOD* himself at their first establishment. He would presume that Power was necessary for the good of the *Spiritual Society*, which *GOD* was pleas'd to put them in possession of, antecedently to the favours of secular Princes, and could not find in his heart to deprive the *Spiritual Society* of any Power which *GOD* himself had judged necessary for it. He might the rather presume it concern'd in a *Society* instituted under a Persecution, and designed to continue the same under all the *Revolutions*, not only of his own, but all other States in the World. He would consider himself also as a Trustee of the Power committed to him by *GOD*, and therefore under an Obligation to manage the Trust in that way that he could judge most agreeable to the mind of him who had committed the Trust to him. He would therefore think himself obliged to value all things according

ing to the value that GOD has put upon them; *principally* to regard that which was *principal* in the *design* of GOD, and to make all other Considerations *subservient* to it, which GOD intended should be so. This would oblige him to make all Designs for the *Temporal Prosperity* of his *Subjects*, ultimately useful for the *publick good* of their *Souls*. This would oblige him further, to mind that in the *first place*, and *principally* those *Expedients* which more immediately tend to the promoting it, and all other *Temporal Politicks* no otherwise, nor further, than as they also may *promote* it, or at least be *consistent* with it. And in this way of *Reasoning*, I know not how he could avoid *pre-fering* the *Spiritual*, before his own *Authority*, and therefore *managing* his own *Authority* in *subserviency* to it, for the *promoting* and *supporting* it, not for *diminishing* it. This I am sure every truly *Christian Magistrate*, must look on as more *solid* and *Judicious Reasoning*, from the Principles of the *Christian Religion*, and *securer* therefore for his *last Accounts* to GOD, and his *Soul's Eternal Interest*, than to suffer himself to be influenced in matters of so momentous a nature, by *Atheistical* fooleries and flirts of being *Priest-ridden*. This therefore being supposed, how *conscious* soever such a *Magistrate* might be of his own *good Will* to the *Church*, yet he would not be willing to *accept* of any branch of that *Power* which GOD had judged *necessary* for her, that himself might have the *managing* it for her interest. He would not think it for the *Glory* of his *time*, upon any *pretence* whatsoever, to leave that *Holy Society* more *destitute* of *Power* than he found her. He must needs think, that GOD's own settlement of it was the *wisest*, that they were *fittest* for *administering* the *Power*, who, by the *Nature* of their *Function* were best *qualified* to *understand* the *Causes* in which it was *conversant*, and who were most *concerned* for the *good* of the *Society*, for whose *use* GOD had given it; and who by *Obligations* of *Conscience*, and by being *destitute* of *external force*, were the *least* likely to *design*, and least able to *carry on* *encroachments* to the *injury* of *living powers*. He would not be willing that a *Successor* should be *trusted* with an *administration* of such a *Power*; which, if ill *administred*, might prove of so *dangerous* consequence to the *Church's* welfare, and for whose *good meaning* he has not that *security* as he has for his own. He would not easily *trust*, even his own *partiality*, or his own *mutability*, with it. These would be the *natural Reasonings* of a *generous* and *well minded Prince*: And methinks they should be so of *pious* and *generous Parliaments* also. Here has been very much *Zeal* pretended for *securing* our *Church* against a *Possibile Successor*: This should make those who call themselves *Protestant Parliaments*, unwilling to *challenge* that as a *Right* of *Parliament*.

in general, which may put it in the power of a *Papish Parliament*, and indeed of any other that may be of another *Communion*, to dissolve our Church, as this Power of *Lay deprivations* will certainly do, if they may be allowed as sufficient to discharge Us from our *Spiritual duties* to our *so deprived Bishops*.

§ LXII.

Princes have been allowed by the Church a Right to keep Persons out, not yet Canonically possessed; but not to turn any out, who were already in Possession of Bishopricks. And that without any proper Cession of Right on the Church's part.

Thus it has appear'd, that a well meaning *Magistrate* to the Interest of the Church, and Religion, has neither *Obligation* nor *Equity* to expect such a *cession of Spiritual Rights* on the Churches part, as a compensation for his Protection, nor would himself be inclinable to think he had any. What ill meaning ones may expect, is not worthy our regard. Such are too partially concerned, to be taken for competent Judges in Affairs of this nature: They neither deserve such a *Cession*, nor indeed are fit to be trusted with it. However we deny not, but that the *Magistrate* has a Right in the disposal of those favours which are requisite for the Churches interest in order to a legal Settlement and Protection. And he has withal thereupon a Right to expect a *Security* to be given him for his own *Temporal Power*, against *invasions* from the *Ecclesiasticks*, in consideration even of that Act of Justice, of securing them also from the like *invasions* from the *Temporal Power*, by his employing it in their defence, though he be otherwise obliged in Conscience to protect that which himself believes to be the true Religion and the true *Communion*. But then this is no proper *Cession of Spiritual Rights*. For even antecedently to the amicable correspondence between the Church and State, the Church was as much obliged in Conscience to forbear encroachments on the *Temporal Rights*, as the *Magistrate* was on the *Spiritual*. Only the difference was, that before the correspondence, the Church herself took upon her to judge concerning the trustiness of the Persons put in Office by her, having then no access to the *Civil Magistrate*; but afterwards she suffered him to judge himself of his own security. That was by not having *Bishops* imposed upon him to enjoy his *Temporals* annexed to their Office, without his own approbation which was no more than what was generally reasonable on equal terms. This sometimes allowed him a power at first of stopping any Person proposed if he did not like him, sometimes of picking on the Person by the Right of a *Lay Patron*. So also he was allowed to judge concerning *Canons*, whether they might prove prejudicial to the *Temporal Government*, before he seconded them with his *Temporal Government*, and by *secular Coercions*, which was also very just and equal, without any cession on the Churches side. For this was only allowing him to judge where his own Power and Right was concerned. But then this

Rights

Right was only to keep out a Person who was not yet possessed of the Power he pretended to, by even the *spiritual Right* of Consecration, and therefore no Act of Authority upon a Bishop properly so called, but only on a Candidate for the Office. But there was never any Act of the *Ancient Church* so much as pretended, that I know of, that ever Allowed Princes to turn Bishops out of their *spiritual Rights*, without Synods, when they were once *Canonically* possessed of them. No Emperors of the same Communion that acted *sedately*, and like Persons who regarded Principles, who ever attempted it, without at least packing or pretending Synods for the deprivation of Bishops. The Canons omitted by the *Dollor* are sufficient, if there were no more, to shew that this was, at least, the sense of the Church, and Jurisdiction of the *Constantinopolitan Patriarchate*. And even this Power that was allowed, was allowed on Obligation of Interest, not of Conscience. None could pretend to the *Temporals* annexed to the *Episcopal Office* without the Princes consent. And whilst the Correspondence between the Church and the Prince held, there was no need of separating the *spiritual Rights* from the *Temporal*. But the Church was at perfect Liberty in Conscience, if she was willing to want the *Temporals*, to give the *spiritual Power* alone, and much more to continue it, where it was already given, if she Judged the Prince's *Impositions* more prejudicial to her *spiritual Society*, than his Favour was advantageous; and when that Case fell, she was to Judge. Thus much therefore may be allowed the Magistrate on account of his own Right, without any thoughts of Cession of the Church's Rights, and without any acknowledgment of Obligation from the Magistrate that should make a Cession necessary, or so much as reasonable. And the acknowledging a Liberty in the Magistrate to keep out, does not in any Equity of Interpretation infer a Right to turn out Bishops, and absolve their Subjects from their duties to them in *spirituals*, and with regard to Conscience, this being greater than the Right that is confessed. Thus therefore there is not the least ground for an *implicite compact* on the Church's side, for Cession of her Rights and Liberties. For this cannot be proved, but from the Nature of a greater Obligation, than can be otherwise made amends for, without a Cession, or a grant of things greater than that of deprivation: Neither of which can be here so much as pretended, and therefore the Church cannot in reason be pretended to have done it by a *tacite consent*, or an *implicite compact*. And for an *explicite compact*, that may seem to have agreed to it, I do not think our Adversaries can pretend any, before that Reign of Violence, against *Sacred Rights*, especially,

ally, of Henry VIII. a Prince unbounded by any *sense of Right* whatsoever whether *Sacred* or *Secular*.

§ LXIII.

The Power of turning out Bishops and Possessed, too great to be granted on any Consideration whatsoever.

Indeed the Nature of *this* is such as cannot be granted by any Society that is *absolute*, on any Consideration whatsoever. No Obligations that can be lay'd on a Society can be valued by it more than its own subsistence. It must be, to be capable, of receiving Obligations, and it must have a Security of its continuance, in order to its having a Security, that the Obligations shall be continued also. Its subsistence therefore is antecedent to all possible Obligations, and therefore the securing that, is of more importance to it than any possible Obligations. No present Obligations, can be a sufficient recompence for them, to put it in the Power of another, to dissolve and destroy them as a Society. Especially such Obligations, which concern them principally, as they are a Society. They are therefore only Obligations Perpetual, that can pretend to be an equivalent for a Society, (that may promise to it self Perpetuity, if governed by it self) to put it self in the power of another Society, of interests separable from its own. But that such Obligations to their Society, shall be perpetual, they can have no Security, unless they be first secured, that the Society it self shall be so. And for this, it is a very justly suspicious circumstance, if the Magistrate, who pretends to confer the Obligations, refuses to do it, but on condition that the Bishops will submit to hold during his pleasure. He who designs to weaken the security they have already, is justly to be suspected of a design on the security it self. And the Church must needs look on it as a Diminution of the security, for her subsistence, if from subsisting as long as her self pleases, (so she may do, whilst she has her own Government in her own hands) she must be reduced to depend on the pleasure of another, of affections variable from her interests. She has therefore reason to break off all Treaty with a Magistrate, who should openly treat with her on such terms, as the Sheep were obliged to do (in the Apologue of Demosthenes) when the Wolves are said to have made specious proffers of Peace, and future kindnesses, on a like condition that the Dogs (which were the only real security the Sheep had to oblige the Wolves to performance) should be delivered up to be destroyed by them. So Semiramis when no doubt with great professions of good will, she had prevailed with Nimus to allow her the Liberty of commanding his Dominions for one only day, secured it to her self for ever, by destroying him before the time appointed for her resignation. For to allow this Power to the Prince of depriving the Supreme Governours of the Church, I know not how it can be contrived without

without danger of ruine to the whole Society, or at least, without lessening the security it has, whilst it is confined to the Ecclesiasticks. To allow him a power of depriving alone, without a power of filling their Sees by substituting Successors, will not indeed involve us in Schisms by communicating with those who administer their Jurisdiction for them by Authority derived from themselves, tho' the Bishops themselves cannot interpose in the Administration of it. But it will at least disable the incumbent Ordinary, to perform any Episcopal Office for his life, if the the Magistrate be pleased so long to disable him for it. And by the same reason as this is granted concerning any one, it may hold concerning the whole Episcopal College in the Dominions, if he be pleased, with a design of ruining the spiritual Society, to deprive them all for the same term, of their several Lives. For this must evidently hazard the whole succession, and dissolve the Constitution of the Church, and in the next Age, at least, in the opinion of the greatest part of Christendom, if none of the Bishops in being, be permitted to secure the succession by new consecrations. For this is a power greater, than what is supposed to be in those who exercise their Jurisdiction in their Absence. The Presbyteries, may perform what is requisite for their own time. But the Power of Ordination, is not given them, without which a succession cannot be secured to posterity. To provide against this intolerable consequence, The Church is obliged to take care that the supplying the Sees with new Bishops, be not deferred so long till the whole Episcopal Order be Extinguished. Either therefore the Magistrates deprivation must discharge the Subjects from their Obligations in Conscience to the First Bishops, or it must not. If it do not discharge them, the Second Bishop who is consecrated into a full See, where duty is still obliging, must be a Schismatick, and break the spiritual Society in pieces by intestine divisions among themselves. If he may discharge them, then his depriving all the Bishops, must be taken for a discharge of the Subjects of all the Diocesses in his Dominions, from their duty to all their Bishops, which must consequently disable them to do any Episcopal Act in any of them all, for preservation of the Church, or of their own Order, if the Obligation of such deprivations, may be supposed to extend to Conscience. Thus the Church must necessarily be dissolved and destroyed whenever the Magistrate with the consent, and assistance of the greater Society, shall be pleased to dissolve it. This is inevitable wherever two absolute independent Societies by compells do Unite in one, under the Government of one of them as absolutely Supreme. Our Adversaries themselves will grant it in the other Case of encroachment of the Ecclesiasticks, on the Rights of the secular Magistrates. When the Pope

was allowed a Power of *depriving Princes* of their *Crown*, and *absolving their Subjects* from their *Duties*, and *Oaths* taken to them, it was impossible for *Secular Governments* to defend themselves against the *Pope*, tho' then the *removal* only of the *Person* was the thing pretended. In this Case, our Adversaries themselves are sensible that the *whole Society* is concerned in him, who has the *power* of the *whole Society*, and the *whole Right* of *Governing* is concerned when a *Possessor* is put out, who has as *much Right* by the *Establishment* as any other can have who shall pretend to *succeed* him. And why can they not see the *inevitableness* of the same *Consequences*, in the contrary *approachments* of the *State* upon the *Church*, maintained by themselves. This therefore is a *Power* too great to be *recompensed* by any possible *Obligations* the *State* can put upon the *Church*, and therefore such as ought not to be *alienated* upon any *Possible* pretence of *Obligation*.

§ LXIV.

In this Case, particularly, no Temporal Favour whatsoever can make amends for the loss of the benefits of the Spiritual Society. There can therefore be no implicate Contracts for such an Exchange that can in Equity oblige the Ecclesiastical Governments to performance, tho' it had been in their Power to make such a Contract.

Particularly, this Reasoning holds in our *present Case*, more *strongly* than it would in *others*. It may indeed be possible, by being *Members* of another *Society*, that all the *Particulars* of which a *Society* does consist, may enjoy *greater advantages* by being dissolved into another *Society*, than by being a *Society* by themselves, and at their own *disposal*. And a Case may therefore fall out, wherein a *less beneficial Society*, may not only put their *Liberties* in the *power* of another *more beneficial Society*, to be by it *dissolved* at pleasure, but may also *actually* surrender their very *Liberties* themselves, in consideration of *greater benefits*, to all the particulars of the *less beneficial Society*, not only than those which they possess on account of their *Incorporation*, but also than that *Liberty* also which they enjoy on account of their *independency*, which is it self also a very valuable *benefit*, and adds considerably to the other advantages of their *present Society*, in the common esteem of Mankind. But for this, two things are requisite to make the Case *Practicable*, neither of which are applicable to the subject of our present Discourse. First, the *benefits* of the *New Society*, must indeed be more *valuable* than those of the *old* one, together with their *Liberty* considered into the bargain. 2^{dly}. They who are *possessed* of the *Rights* of the *old Society*, must be *possessed* of them on their *own Accounts*, not as *Trustees* of any other, that so they may have no further *Obligation* to preserve them, than their own *present Interests* in them, and may therefore be at *Liberty* to accept of considerations of *greater present Interest*. If either of these Considerations fail, they cannot think themselves obliged in *Equity* to stand to such a *Contract*, especially where no more is pretended than an *implicate* one,

one, not expressed in *Words*, but gathered only from considerations of *Equity*. And here neither of them can be so much as pretended. First it cannot be pretended that any *Secular* Favours or Immunities whatsoever can make *amends* for the *benefits* of their *present spiritual Society*. This has been proved already. I shall therefore here take it for granted. Indeed it is in our present Case so very manifest, that I need no great Favour of our Adversaries themselves to give me leave to do so. Supposing it therefore granted, all the Rules of *equitable Reasoning* in the sense of those *Ages* wherein the *State* first became *Christian*, will relieve the *Church* against any such pretensions, as are here insisted on, of an *implicit contract* for surrendering her *independency*. *Societies* had in the *Roman Civil Law* (which is the best standard for judging what was thought *equitable* in those times) the same favour as *Slaves*, from being obliged by over-reaching *Contracts*. And indeed there was reason for it, when their *Interests* were transacted by others who as seldom consulted the sense of the *Communities*, as *Guardians* did their *Pupils*, and who were liable to as just suspicions of corrupt insidious dealings, and private interests, as *Guardians* were. This therefore would allow the *Church* a *Restitution in integrum*, a perfect rescission of such a *Contract*, made in her name by her *Representatives*, where the disadvantage was in it so manifest, as the alienating *spiritual Rights* in exchange for *Temporal*; and the contract had yet proceeded no further than to be *implicit* only and *interpretative*. Indeed here the very *Representatives* themselves might expect to be relieved in *Equity*. For, receiving a *valuable consideration*, is that which is expressly mention'd, even in our *Modern Contracts*, even where that valuable consideration it *self* is not mentioned, purposely to prevent their *revocableness*, if it had not been mentioned. It is therefore supposed that when the *Consideration* is not *valuable* in comparison with the *Right* contracted for, it is but reasonable in *Equity*, that such a *Contract* be rescinded. Especially, where the *Contract* is not expressed in *Words*, there is no reason in *Equity* to presume that any such *Alienation* was intended. All that can be pretended in this Case, is, that the *Prince's Favour*, and *Protection*, is accepted of by the *Representatives* of the *Church*. But how does it appear, without an *explicit Contract*, that it is accepted of with a *design* of entering into a *Contract*? How does it appear, that it is accepted of as a *consideration*? How does it appear, that any *Right*, on their own side, is intended to be parted with in consideration of it? How does it appear, but that it is thought already sufficiently requited in the favour already conferred on the *Prince* and his *Subjects*, in admitting them into

a Society so much more *beneficial* than their own? If any *Cession of Rights*, had been thought of, why must it needs be of a *Right*, so *essential* to its *subsistence* and *continuance*, as that is of the *Independence* of the *Supreme Governors* of their own Society? How can it appear, that in accepting of the Prince's *favour*, such a *Contract* as this was ever thought of? Nay the very *unequalness* of it would be in *Equity* a *strong Presumption*, that it was not thought of, nor *intended*, nor ever would have been consented to, if it had been expressly insisted on. It is certain many *kindnesses* are accepted of, without any thoughts of a *Contract*. It is *strongly presumable* such an *Alienation* as this, would never have been consented to, if it had been thought of. Here is no *proof* of a *Contract*, but bare *acceptance*. On these considerations, there can be no *reason* or *Equity* to *oblige* the *Ecclesiastics* to *stand* to so partial an *Interpretation* of a *Contract* imposed on them by their *Adversaries*. Indeed there can be no such *Contract* at all, as an *implicite* one, which can be no otherwise *proved*, but by *reasonable equitable Interpretation*.

§ LXV.

But here it is
not in the
Power of the
Ecclesiastical
Governours to
make such a
Contract.

Thus much might have been pleaded for *discharging* the *Church Officers* from these *Obligations*, though they had indeed a *Power* to *oblige* themselves thus far, and had no more to do in this matter, than to consider whether there were prospects of *present Interest* sufficient to *induce* them to it. But that is not the Case here. All they can do, on any consideration whatsoever, by any however *Explicite Compact* is not sufficient to *Alienate* that *Power*, by which the *Church* must again *subsist*, whenever the *Magistrate* deserts her. For this *Power* is not her own, but a *trust* committed to her by *GOD*, and a *trust* committed to her, with a *design* the *Power* should be *perpetuated*. Whatsoever therefore she does, she cannot *oblige* God by an *Act* of *Alienation* of it. So a *Servant* that should *Alienate* his *Lord's Rights* without his *leave*, cannot hinder his *Lord* from *challenging* them again, nor any other *Servant* who is *impower'd* by his *Lord* to *demand* them. This is allowed among our *lined Servants*, and much more with the *Roman Slaves*, to whom the *Scriptures* allude in this matter. (The *Apostles* themselves call their *Office* a *Peiura*, and a *diakonia*, and an *anagoria* Words in the Language of that time importing *Slavery*.) such were usually then intrusted with *Stewardships*. And the lower degree of *Slavery*, that of a *οικονομος*. St. Paul looks on as a *higher dignity* of his *Apostolical Office*. And he calls his *Power* a *trust*, and a *dispensation*, and looks on himself as under an *Obligation* of *fidelity*, to discharge it according to the *mind* of him who had committed the *trust* to him. This was undoubtedly

doubtedly to signify the Nature of his Power by the Roman Civil Laws received at that time, which allowed Servants to acquire Aliens to their Masters, but not Alienate them without their express command. The Apostles themselves therefore were not at Liberty to Alienate this trust committed to them upon any considerations whatsoever of their own private convenience; nor much less can they do it, who now succeed them in a Power, indeed derived from them; but in many particulars more limited than theirs was. Besides this Power is intrusted with them not for themselves only, but for the interest also of Souls in general. Thence it appears that they cannot be allowed to dispose of it on considerations relating to their private Interests. As it is a Trust for others, the same Notions will take place here which did with the Roman Tutors and Curators, who where also Officers in Trust for managing an Interest which was none of their own. Nothing they did to the Prejudice of the Pupil could oblige him to performance. Especially if they presumed to Alienate any part of the Inheritance entrusted with them on considerations of private Interests of their own. Such Contracts were perfectly rescinded, and left no Obligation on him to ratify them when he came to age, as other Contracts might, which were beneficial to him. Here therefore they could lay no Obligation on GOD, to ratify their Alienation of the Power intrusted with them, to the Civil Magistrate. And yet without a Right obliging GOD to ratify what was transacted by the Ecclesiastical Governours, all the Conveyances they could pretend to make of their Spiritual Rights to the Magistrate, must be perfectly insignificant. For then GOD may still own him for a Bishop who is deprived by the Magistrate, and disown that Person as an Intruder, who is substituted into his Office by the Lay Power. For it is GOD'S Will alone that can determine the Question as to Right, and with regard to Conscience. Seeing therefore the Ecclesiastical Governours cannot confer a Right upon the Magistrate to have his Acts ratified by GOD; after all the Compacts they can make, the Right continues as it was before. They who had the Right of making and depriving Bishops, have the same Right still, and may resume the exercise of it when they please, and are obliged to do so, as they will approve themselves faithful to their Trust, when they shall judge the exigencies of the Church to require it. What then can their Contract signify, be it never so express? It on the contrary appears, that no consideration whatsoever of private Interest, can be a reasonable inducement for Ecclesiastical Governours to enter into such Contracts, not only because they cannot validly oblige themselves, or confer any valid Right upon the Magistrate

in this matter, which he had not before; but even in Consideration of their *own Interest*. Suppose the *Favours* of the *Magistrate* were indeed sufficient to countervail the *Personal benefits* they enjoyed, purely on account of their being the *Heads* of a *distinct independent Body*; yet it cannot be denied but that the *Punishment* they have reason to fear from GOD on account of their *Falshood* to their *Trust*, is without comparison *greater* than what can be recompensed by the *Civil Magistrature*.

§ LXVI.

It is not agreeable to the mind of GOD, that the Church should so congregate with the State, as that the Bishops should be deprivable as the pleasure of the Civil Magistrate.

Indeed the *Nature* of the *Spiritual Society* as constituted by GOD is such, as that it cannot be thought agreeable to the *mind of GOD*, that it should so *congregate* with the *State*, as wholly to *depend* on the *Autority* of the *Civil Magistrate*, so as that its *Supream Governours*, the *Bishops*, should be *subject* to him in *Spirituals* also. It is not agreeable to his mind that the more *Noble Society* should be *subjected* to that which is *less Noble*; that the *Interests of Souls* which are more valuable in his esteem than all the *Kingdoms* of the *World*, should depend on the *pleasures* of particular *Princes*, and the *Interests* of their *particular little Districts*. It is not agreeable, that he should *trust* a *Government* of *principal importance*, in the hands of those who are not likely to regard it, as their *principal employment*, who make the *World* their *principal Study*, and take their understanding that, and its concerns thoroughly to be the *principal accomplishment* they are capable of, for the discharging of that which *they* take to be their *principal Office*, and who either take no pains at all to *understand* the concerns of *Religion*, or do it no otherwise than as it is consistent with their other *employments*, which are not indeed of that *importance* as matters of *Religion* are. It is much more likely that he intended that it should *continue*, as *himself* had settled it at its *first establishment*, in the hands of those whose *Principal care* it should be to mind it as it *deserves*, That is, *Principally*, and other things, no otherwise than as they may prove *subservient* to it. It is no way likely that he would have *Religion* left to their disposal, who by their *Office* think themselves obliged to be *swayed Principally* by their *Worldly interests*, than which there is hardly any thing more contradictory to the great ends of *Religion*; to make *Reformation of Manners* necessary to be *begun* by *Courts*, which are usually the *Originals* of the *corruptions* of that kind, and the great *hindrances* to well meant designs of *Reformation*. An obvious consequence of such a *trust* would be, that *Religion*, which *Princes* do not take for their *Principal Work*, must be made *subservient* to their *worldly Politicks*, which *Princes* generally

nerally take for their *Principal* employment. And who can think that GOD would ever intend that a *Religion* at *first* established in a State of *Independency* on the *secular Power*, should afterwards be brought to a State *precarious* and depending on the *pleasure* of the *secular Magistrate*? GODS establishing it otherwise at *first*, shewed plainly that it was better for the *Church* to be *independent* on the *State*, whensoever there should be any *difference* between it and the *secular Magistrate*. This withal we are certain of, that GOD is not *changeable* as man is; but that whilst the same *Reason* holds, or when the same *Case* returns, his *mind* will be the *same* as it was before. When ever therefore the *Magistrate* who has once *favoured* the *Church*, shall again *desert* it, and *withdraw* his *Protection* from it; we must then conclude that the *Church* is in the same condition she was in *before* the *Magistrate* received her into his *Protection*; and therefore that it is GODS *Pleasure* also that she should *subsist* *then*, as she had done *before*, on her own *Government*. On her own *Government*, I say, as well qualified now, as formerly, for continuance, and perpetuity, by its *independence* on the *pleasure* of the *Magistrate*. This is indeed the only way of knowing GODS *pleasure* concerning a *Case*, where no *new Revelation* is so much as pretended, as none is here, even by our *Adversaries*. This therefore being certain, that, in *Case* of a *New breach*, GODS *pleasure* is that the *Church* should again be *independent*; it will be also certain, that in the *Interval*, whilst the good *correspondence* holds between the *two Societies*, GOD cannot allow such an *Alienation* of *Power* as shall *disable* her, in *Case* of a *new breach*, to *persist* on her *old terms*. This will require that the *old Society* be preserved with the *old Government* of *Bishops* during the *Interval*. For the *Church* is not such a *Society* as other *Humane* ones, that can be *set up* at *pleasure* by the *Agreement* of the particular *Members* of which it consists, whenever they are *Free* from other *antecedent* inconsistent *Obligations*. This is a *Society* erected by GOD, and requires *Governours* Authorized by *him* more than other *Civil Societies* do, for *Obliging* him to confer *spiritual Blessings* exceeding the *Power* of the *Members* considered in themselves. GOD has given them no reason to expect, when the *breach* shall fall, that he will *extraordinarily* empower Men *immediately* as he did the *Apostles*. The only way therefore for securing the *continuance* of the *Church*, is to keep up a *Body* of *Governours* Authorized by the *Apostles* in that *Succession*, which has been derived from *them* to our *present times*, which cannot be, unless the *Succession* it self be *continued* on, in all the *Interval* of good *Correspondence*. This therefore requires that they do not suffer themselves so to be *Incorporated* into the *State*, as to have

no Governours of their own Acting by a *highery Authority* than what can be derived from the Prince. This consideration alone is sufficient to disprove our Adversaries fancy concerning the *coalition* of the Two Bodies, under the King as the Common Head of both of them, when, in the mean time, the Church is obliged to continue in her Bishops a power not derivable by any Patents from the KING. This Power therefore not derived from him, must be perfectly independent on him. And indeed no Power but what is so, can justify, and make Practicable, a Resumption of ancient Rights. For what ever depends on the Magistrate, may, and will in course, be taken from the Bishop when the correspondence is interrupted. If therefore, when it is taken away the Bishop has then no Right to Govern, he cannot expect GOD will ratify any exercise of a Power to which he can pretend no Right. But without GOD's ratifying what is done by the Authority, and good reason to presume that GOD is obliged to ratify it, such a Government can signify nothing for keeping the Society in a Body, that has nothing to recommend it, but considerations relating to GOD and Conscience. The Alienation therefore of this Power so necessary for securing the Society, being so plainly against the Mind of GOD in giving the Power, no Act of Alienation of it, can expect a ratification from GOD, and therefore it must be Originally null and invalid.

§ LXVII.

The Magistrate is by no means, a Competent Judge of the Church's Interests.

Besides, there are other things so peculiar to the design of GOD, in instituting the Spiritual Society, that make it by no means probable, that it was his pleasure, that it should coalesce into one Society with the State under one common Supreme Government, both for Spirituals and Temporals. It is inconsistent with the Office of the Supreme Magistrate, to endure that his Subjects should live under a state of perpetual Violence from another Power, without using his utmost endeavours to resist it. The Church may, and often must, submit to a Persecution, when it is not otherwise in her Power to avoid it but by resistance. She may with great generosity choose a Persecution, when she judges it to be for the Interests of Religion, and it is her Glory to overcome Evil with Good, and to subdue her Enemies rather with Patience and Constancy, than Arms and open violence. She can still subsist and gain by such a state, whereas the Civil state is perfectly dissolved when once that violence becomes irresistible. The Magistrate is, by the Law of Nations, allowed to return violence for violence, and to do many things when provoked by his Enemy, which the Church can never decently do on any Provocation whatsoever. It is for the Interest of the Magistrate (if he look on Religion as his Interest) that the Church should be free in her Actings for Reformation of man-
ners,

ners, which she cannot be, if the *Bishops* must, at his pleasure, be turned out of their Office, for no other reason, but their being faithful to it. The Church withal was designed by GOD for a Society that should correspond all the World over, as they did anciently by their *Communicatory Letters*, as to *Spirituals*. For her *Censures* can signify nothing for reclaiming *Hereticks* or ill *Livers*, if they extend no further than her own *Jurisdiction*; if they exclude not from *Catholic*, as well as *Diocesan Communion*. She ought therefore to enquire into new *Opinions*, as they may occasion difference of *Communion*, that she may neither recommend *Hereticks* to the *Communion* with *Foreign Churches*, nor receive them to her own *Communion*, if recommended by them. This cannot be done by single *Bishops*, because in these things, at least, they are to proceed by a common Rule, and Unanimously, not as in other things, only by a Majority of *Suffrages*, because no differences of Faith can be born with in the same *Communion*, as differences of Opinion may be, in other things of lesser importance. This will require frequent *Synods*, such as they had formerly before the State was *Christian*, twice a Year in course, besides what greater *Synods* might be thought necessary on extraordinary emergent Cases. But these cannot be had, if they must depend on the Pleasure of the *Local Magistrates*. General *Synods* cannot be had on these terms, without a General Peace, and freedom from *Jealousies*, in all the *Worldly State*, or till all the *Dioceses* in the *World* should come under the power of one *Secular Magistracy*. Nor were there any *Synods* of that kind before the Conversion of the *Empire* of the *Christian Religion*. However, the Church was even then possessed of a Right of meeting in *Provincial Synods* for her own Affairs, without asking the *Magistrates leave*, pursuant to the general Right given her by GOD for propagating her Religion. And even those *Provincial Synods* had such a correspondence as was absolutely requisite for settling *Unanimity* and a good Understanding between them. But since they have depended on the Pleasure of *Local Magistrates*, not only this correspondence, but also the *Subordinate Provincial and National Synods* have been discontinued. Nor can this *Catholic Correspondence* which is notwithstanding so necessary for all (even *Diocesan*) Discipline, be retrieved, without the consent of so many *Local Magistrates*, as have Churches in their *Dominions*, if the Churches must be concluded by these pretended *Contracts*. But certainly Christ could never intend, that a thing so universally necessary for that Discipline which is to be continued in all Ages of the Church, should depend on a consent of so many different Minds and Interests as are very rarely to be expected in any Age. I see not therefore why it should be expected

ed that *Christ* should ratify such *Compacts* against his own *Designs*.

§ LXVIII.

*The Surrendry
of the Clergy in
Henry the
VIIIth's time,
cannot oblige
their Posterity
now.*

Thus it appears, that no *Contract* has been made generally, and that none can be made validly, for *Alienating* the *Church's Right*, of which she was possessed before the *Conversion* of *Princes*. Thence may be judged how little obliging those *Acts* of the *Clergy* in the *Sacrilegious* Reign of *Henry* the *VIIIth* were, for obliging themselves and their *Posterity*, never to meet for Affairs concerning their *Spiritual* Function, without the *Prince's leave*. Had that *Right* been a *Property* of their own conferred on them by a *Humane* Conveyance for the *private benefit* of their *Function*, they might in deed have pretended a *Right* to oblige *Posterity* by those *Acts* of *Resignation*. But considering it as a *Right* not conferred, but entrusted by *GOD* himself for greater ends than their own private *Interests*; they can pretend no *Right* to hinder *Posterity* from resuming the *Priviledges* then surrendered, whenever they shall judge them necessary for those great ends for which their *Function* was entrusted with them. Especially what the *Magistrate* either has, or can do, in consideration of that *surrendry*, falling infinitely short of being an *Equivalent*. Besides it is manifest, that the *Surrendry* then made, was perfectly forced on them, as well as the *Fine* was laid upon the whole *Body* of the *Clergy* on account of the *Praemunire* they had incurred for owning *Cardinal WOLSEY's Legatine Power*. It has therefore, on that account also, that consideration of the *Force* by which it was extorted, for discharging *Posterity*, from its obligation, which, added to the Considerations now mentioned, will free it every way from the *Obligation* of the *Contract*. All that can be said for it, must be grounded on some antecedent *Right* that the *Prince* might pretend before his *Force*; and therefore it must not wholly be resolved into this extorted *Surrendry*. For if the *Prince* had no *Right* before his *Force*, he could have none afterwards, on account of *Conscience*, whatever he might pretend by *Human Secular Laws*. For his *Force* without any antecedent *Right*, had been no other but downright *Injustice*, which could not entitle him, nor his *Successors*, to any *Right* in *Conscience*. Especially where the *Right* it self is of that nature, as it is here, that it belongs to a higher than *Human Secular* Judicatory. It therefore concerns our *Adversaries* to consider what they can pretend for that *Right* antecedent to that *Force*. And I think what has already been proved, sufficient to cut them off from all Pretensions of *Right* by the *Constitutions* of the *Gospel*. For I have shewed, that the *Church* was possessed of a *Right* to govern her self independently in

visible

visible Districts and Jurisdictions before any *Conversions* of Princes. I have shewn withal, that no *Contrast* either was made, or could be made, that could *dispossess* her of that *Right*, with regard to *Conscience*. If therefore they will pretend to any such *Right antecedent* to the forcible *surrendry*, it must be on some other *Topick* than that of the *Constitution* of the *Gospel*. The tell us therefore, that the *Jewish Kings* in the old Testament, ordered many things relating to *Religion*. Thence they infer, that our *Princes* have the *same Power* now. But, granting the *Fact* true, that the *Jewish Princes* were invested with that *Power*, it will however by no means *follow*, that our *Christian Princes* must be so now. If what I have already proved, hold true. For having directly proved, that the *Constitution* of the *Gospel* is otherwise; the *Question* then will be, *whether* *Precedents* are to take place. And that in this *Case*, cannot be difficult, according to the *ordinary Rules* of judging concerning the *Practice* of *inconsistent Laws*. These Rules are, That *Laws* of greater importance take place of *Laws* of lesser importance; That *later Laws* of even the *same* *Legislative Power* take place of *elder Laws*, as being so far *virtually* *repeals* of them as their *Practice* proves *inconsistent*: That *Laws* more suited to *present Circumstances* take place of those which were made on a *remoter prospect* of our *present Circumstances*. And by all these Rules there can be no doubt but that now all such *Legal Precedents* are to be *overruled* by the *peculiar Constitutions* of the *Gospel*. This, I am sure, is generally admitted in other *Reasonings* of this kind. And there is nothing peculiar *pleaded* in this *Case*, why *Jewish precedents* should rather *overrule* here than in other *Instances*. Much less is there any reason, why they should take place at a *distance*, upon the first *Conversions* of *Princes*, when it is so manifest that they did not do so at the first *Settlement* of the *Christian Churches*. However, as to this particular of *Deprivation*, I have already given my reasons against the *Magistrates Right*, even in the times of the *Jews*, and have answer'd already what has been pretended to the contrary, from the *Case* of *Abiathar*, and those other *later Deprivations* by the *Heathen Magistrates*. And this is at present our *Principal Dispute*.

Indeed in this whole matter concerning *Reasoning* from the *Jewish* to the *Evangelical Priesthood*, I have taken care to Argue barely from what was common to them both, the *Nature* of *Priesthood* in general, and in those very *instances* wherein even the *Apostolical Christians* admit the *Argument*. Our Adversaries on the contrary when they Reason from the *Princes Power* then, to the *Power* of *Christian Princes* now;

§ LXIX.

No Reasoning from the Rights of the Jewish Princes to the Rights of Christian Princes now.

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they do not Argue, as I have done from the *Priesthood* simply considered, but from the Power annexed to the *Priesthood*, yet *seperable* from it, according to the design of GOD in the particular *Constitution*. The Power of *Governing* the *Society*, whose *holy Rights* are administered by it, is, I confess, very *seperable* from the *Right* of *Priesthood* in general, and whether it was actually annexed to it, or not, is therefore to be judged by the *particular constitution*. But particularly for the *Jewish State*, I rather believe that it was *not* annexed to it. For the *Right* of *Government* as annexed to the *Priesthood*, is founded on the *Right* the *Priest* has to *oblige* subjects by excluding *refractory Persons* as *such*, from partaking in his *Sacrifices*. But so much *Erasmus* has, I think well observed, that the only things that then hindered from the *Sacrifices*, were only *Legal incapacities*, such as not being of the *Holy Seed*, or being under some *Legal Pollution*; not any whatsoever *immoralities* of *Life*. And therefore the *Punishment* for not standing to the award of the *Priests* was *capital*, as being a *disobedience* to so much of the *secular Government*, as it was *Theocratical*; not exclusion from the *Sacrifices* of those who had been concerned by the delinquent. Nor indeed was there that necessity that the *Government*, even as to *Spirituals*, should be annexed to the *Priesthood* then, as there is under the *Gospel* now. The *Prince* was then always obliged to be a *Jew*, and therefore of the *Religion* establish'd for that *Nation* by GOD himself. Now his being of an *other* than the *true Religion*, is no hindrance by our modern *Constitutions*, from having a *Lawful Right* to the *secular Government*. Then the *Prince* had a better presence, as the *Head* of the *Theocracy*, to command in affairs concerning GOD, than any *Prince* living can now, when no *State* pretends to be *Theocratical*. Then all the concerns of the *Peculium* were confined to that single *Nation* which was wholly commanded by *one Prince*. Now the concerns of every *National Church*, are mixed with those of all the other *National Churches* in the *World*, with whom their *Prince* has no concern at all. This very consideration makes the *National Church's Interests* *seperable* from the *Interests* of their *Prince*, of which he can therefore be by no means presumed a *Competent Judge*. That *Priesthood* was not intended to be *Practicable* in a time of *Persecution* and *Independence* on the *Civil Government*. On the contrary, the want of all the *Extraneous* of their *Religion* was the most dejecting consideration of their *Captivities*, and one of the greatest inducements for good Men to be earnest with GOD in *Prayer* for a *Reformation*. They were then to be without a *Priesthood*, without an *Altar*, without a *Teraphim*. And the *Temple* of the *Lord* was the Principal

* 1 Chr. XV. 2.
† 1st. III. 4.
‡ Jer. VII. 4.

Principal thing bemoaned by them who pretended any Zeal for their Nation or Religion. No doubt on account of their losing all the comfort of *Sacerdotal Administrations* which could be performed in no other place besides that particular Temple. Then the loss of their daily Sacrifices was the highest Calamity that the *Antichrist* then expected could bring upon them. And the perfect uselessness of the Priests after the destruction of the Temple made *Titus* put the Priests to the Sword when the obstinacy of the Jews had obliged him to destroy the Temple. So clear it was, that that was not a Religion capable of subsisting in a Persecution, as to the Exercises of it as a Communion. But it is wishal as clear that our Church was instituted in a Persecution with a Power of depriving disobedient Subjects of the benefits of Communion, and with a Power of exercising Sacerdotal Offices in that very State of Independency on the Civil Magistrats. And indeed that State was principally provided for here at the first Institution of the Church, which was not so much as designed in the Jewish Church, Besides, the clear and express Revelation of Spiritual and Eternal benefits conveyed by our Evangelical Priest-hood is a thing peculiar to the Gospel. Yet this alone is sufficient to put it beyond all pretensions, even of a Theocratical Magistracy, designed only for Temporals. Thus therefore it every way appears that more Power is by GOD himself annexed to the Evangelical, than to the Legal Priest-hood. This therefore is sufficient to overthrow our Adversaries Reasoning here, that our Princes now may challenge all that Power that the Jewish Princes could formerly. For they cannot challenge that which, though it was not then, has yet been since annexed to our Evangelical Priest-hood.

Yet after all, we can even from the Laws of our Country, and the Supremacy settled by those very Laws, except against the Sentence of Deprivation passed against our Fathers, as to their Spirituals. The Supremacy in Causes Ecclesiastical is, by all the Acts made concerning it, vested, not in the PARLIAMENT, but in the KING. And even as it is in the KING, it was never intended for him, so as that it might be in his Power to confound the several Courts and Jurisdictions to which Causes are appropriated by the Laws themselves. The Acts for the Supremacy, even in Temporals, do not allow him to transfer any Cause from the Court appointed for it to his own hearing out of it, nor even to any other Court, than that to which the cognizance of it does properly belong. This holds, as in other Cases, so in this also, of the Deprivations of spiritual Persons. And it is own'd to hold by Mr. Hooker himself in that very Book to which we are referred by our

• Dan. VII. 1,
12, 13.
IX. 27. XI. 3.
XII. 11.
Joseph. Bell. Jud.
L. VII.

§ LXX.

Our Present
deprivations not
justifiable by o-
urselves our present
Secular Laws.

Hook. Eccl. Pa-
lie. Bar. VIII. p.
463. ed. Lond.
1602.

ibid.
P. 465.

ibid.

P. 466.

Adversaries. He owns it with express application to the Case of the KING himself, the Seat of the Supremacy in Spirituals. He tells us, that, *All Men are not for all things sufficient, and therefore publick affairs being divided, such Persons must be Authorized Judges in each kind, as common Reason may presume to be most fit. Which cannot of KINGS and PRINCES ordinarily be presumed in Causes merely Ecclesiastical; so that even common sense doth rather adjudg this Burthen to other Men.* He owns that Bishops alone were before accustomed to have the ordering of such [Ecclesiastical] affairs. He confesses, that *Virtuous Emperours.* such as Constantine the Great was, made Conscience to Swerve unnecessarily from the Custom which had been used in the Church, even when it lived under Infidels. I know not why others should not emulate the Example of so great a Prince, if they also would be esteem'd, in the Judgment of so great a Person, *Virtuous.* I know not why it should not be counted commendable also in them, if they also had made Conscience to Swerve unnecessarily from these acknowledged antient Ecclesiastical Liberties. He owns, that this same Excellent Prince raised the Order, which had been before, exhorting the Bishops to look to the Church, and promising, that he would do the Office of a Bishops over the Commonwealth; and when he did take cognizance of Causes of this kind, yet this great Person doubts whether he did so, as purposing to give them Judiciously any Sentence. Here we find plain confessions, that the Church was in possession of these Liberties before the Conversion of this first Christian Emperor, and that Emperor himself was so sensible of this Possession that he made a Conscience of invading it. And who could better Judge of his Right as a Christian Prince, than he who was the first example of it? Mr. Hooker does indeed think that Constantine abstained from what he might lawfully do. But he seems plainly to grant that the Emperor was of another mind, when he says he made a Conscience of doing what Mr. Hooker thinks he might have done. That same Judicious Person adds further, with reference to our particular Laws in England: *There is no Cause given unto any to make Supplication, as Hilary did, that Civil Governours, to whom Common wealth matters only belong, may not presume to take upon them the Judgment of Ecclesiastical Causes. If the Cause be Spiritual, Secular Courts do not meddle with it. We need not excuse our selves with Ambrose, but boldly and lawfully we may refuse to answer before any Civil Judge in a matter which is not Civil, so that we do not mistake either the Nature of the Cause, or of the Court, as we easily may do both, without some better direction than can be by the Rules of this new found Discipline.* But of this most CERTAIN we are, that our Laws do

do neither suffer a Spiritual Court to entertain in those Causes which by the Law are Civil; nor yet, if the matter be indeed Spiritual, a meer Civil Court to give Judgment of it. Thus Mr. Hooker. And he proves what he says in the Margin from passages of the *Laws* themselves, and the Book *de Nat. Brevium*, and *Bracton*, plainly asserting the difference of those two Jurisdictions. I am sensible what a Scope I have here of enquiring into the *Laws* themselves, and proving this *Independently* on the Testimony of this admirable Man. But perhaps I have already said more than can be Printed in this difficulty of our Circumstances. I therefore say no more at present, but refer our Adversaries to him. The rather because he is indeed against me in making the Church one Body with the believing State, and because one of our Adversaries has expressly insisted on his Authority. Both these reasons, as well as the distance of the Age he lived in, are sufficient to clear him of any, the least, suspicion of partiality on our side. Even in this very Cause he defends the Use of Lay Persons joyn'd in Commission with Spiritual ones for determining Spiritual Affairs. And possibly he may do so by Examples (if all Examples must pass for Precedents,) since Henry VIII's Usurpations. But when King JAMES the II, added Laymen in the same Commission with the Bishops concerned in the Case of the Bishop of London, with a Power of Deprivation or Suspension *ab Officio*, as well as a *Beneficio*; it is very well known that his Lordship excepted against the competency of his Lay Judges, that as a Bishop of the Catholick Church he ought to be tryed by Bishops only. His Lordship would do well now to remember his own Plea then, in order to the judging of his own Case now, how he can justify his Communicating with those who are set up against his Colleagues deprived no otherwise than by a Lay Power. It is well known that his Council then Learned in our Laws insisted on this Plea as maintainable by our present Laws made since the Constitution of the Ecclesiastical Supremacy. And what good Church of England Man was there then that did not think the Plea very just and reasonable? Let those Lawyers be pleaded to recollect what they had to say on that Case, and try whether it will not also affect our present deprivations. It is very certain that the Liberties of H. Church are the very first things provided for in *Magna Charta*. and the Coronation Oath, so that if these things be not inviolable, nothing else can be so, being

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Church of Eng-
land, P. 7.

ing *Fundamental* to all the *Security* that can be given by our *present Constitution*. And it is no way reasonable, that bare *Precedents*, without *expres* Acts for *Alienating* such *Rights* as these are, should be thought sufficient for extinguishing a Claim grounded on so *inviolable* a *Security*. If they be so, *Henry the VIIIth* made such *Precedents* for violating *Magna Charta*, and the *Coronation Oath* too, that no *Liberties* of the *People* can now be *secure*. And it is withal as certain, that in the *Disputes* which occasioned the passing *Magna Charta*, this particular of the *exemption* of the *Clergy*, was one point principally insisted on. Nay, it was insisted on them to *higher* purposes than were *reasonable*, or than I am concerned for now, so far as to exempt them from *Secular Courts*, even when they were guilty of *Secular Crimes*, and even so it was most frequently determined in favour of the *Clergy*. That was *Becket's Dispute*, which generally prevailed in the following Ages, when he was *Canonized*, and when *Henry the IIIrd* had submitted to *Penance* for what he had done in opposition to him. This Case of their *Exemption* as to their *Spirituals*, which is all for which I am now concerned, was than so generally acknowledged, even by the *Lairy* themselves, that there was very little occasion of *disputing* it. Rarely was it ever *invaded*, and more rarely yet (if ever) was that *Invasion defended* by themselves who were guilty of it, till the *Unhappy Times* of *Henry the VIIIth*. So *uncontroverted* was the *Right* for which I plead, that I do not think our *Adversaries* can give one *single Instance* of substituting a *Successor* into a *See* vacated by no better, than a *Lay deprivation*. This privilege therefore against *Lay deprivations*, was so undoubtedly the sense of *Magna Charta*, and the *Coronation Oath*, that on that account, as well as in point of *Right*, all *Patriots* ought to be *Zealous* for it, as well as all good *Christians*; all who have a true Concern for those Two *Fundamental Securities* of *Property* as well as of *Religion*; all who are so *wise*, as to *foresee* how far *Precedents* of violating them in one Instance, may proceed for violating them in others also.

§ LXXI.
The Conclusion.

I hope the *Worthy Defender* of the present *Dividers* of the *Church of England* will, by this time, see that this *Proposition* questioned by him, concerning the *Distinction* of the *Church*, even from a *Christian* and *Orthodox State*, is as firmly proved as any other particular of the *Indicator's* whole *Hypothesis*. I hope he will also find it conformable to those very same *Authorities* he was pleased to produce against it, that

that of Mr. Hooker, and even of our *Church of England*, as settled by our *Ancient Laws*. Though the Compass I am obliged to confine my self to, will not allow me to follow either him or the *Doctor* into *either Arguments*, or into particular *Applications* of this I have insisted on; yet I have endeavoured to urge my Argument so, as to obviate whatever they have said that might otherwise have seemed to weaken it. I now leave and recommend the Success to *him* whose Cause I have endeavour'd to plead, not as I *would*, but as I *was able*. A Good Cause alone is indeed a very great advantage above Artifices of Wit and Subility, in pleading for an *ill* one. That is all that I pretended to. But it is God alone that must give the *Word* to the *Preachers*, and *docility* to the *bearers*. And it is his usual way to glorify his *own Power*, in the *weakness* and *contemptibleness* of well-meaning Instruments. This Title I have, and this alone, to his *Assistance* and *blessing* on the *management*, that it will appear to be his own Work, if the Good Cause it self do not *suffer* by my concernment in it. The same good GOD dispose our Adversaries to follow the *Truth* rather than their *Worldly Interests*; to consider *impartially* what is said, how contradictory soever it may seem to their *Fleshy Inclinations*, to examine with their more sagacious Judgments, rather what the Cause it self would afford to be said for it, than what has been said by me. He alone can revive in them their old *love* of the *Truth of Peace*, of *Unity*; their former *seriousness* in these concerns of the *greatest importance* to them; their former, or even the *Primitive Zeal* for the Interests of the *Church* and of *Religion* in this *Unbelieving Apostatizing* Generation. When he shall be pleased to do so, we may then hope to see *Endeavours* for *healing* the *Breaches* themselves have made; we may then hope to see them ambitious of doing it on the most *Honourable Terms* that may be for the *Church's Security* against *future Invasions*, and against the *Precedent* of making *Spiritual Interests* give way to *Worldly Politicks*; we may then hope to see them again as much concerned as we are, nay, as we *ought* to be, that our *Church* and our *Communion* may not depend on the precarious pleasure of a *Persecuting Magistrate*. How much more pleasing a sight must this be to all *generous* and *Christian Tempers* than our present *Divisions* and *Scandals*, and *Animosities*? When, O When, shall it once be?

FINIS.

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